

minmi | Link road and Stockrington

SSS listing

June 2011

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URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Tim Blythe
Associate Director	Tom Goode
Job Code	SA1976G
Report Number	MINMI_PPR_SSS_FINAL

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Executive Summary

This report has been prepared in support of an application for listing and rezoning of the Coal & Allied Industries Limited (Coal & Allied) owned Minmi/Link Road and Stockrington sites as a 'State Significant Site' (SSS) in Schedule 3 of State Environmental Planning Policy (Major Development) 2005 (the "Major Development SEPP"). It has been prepared on behalf of Coal & Allied as owners of the Minmi/Link Road and Stockrington sites to facilitate residential and associated development that is not currently permissible under existing planning provisions. A draft Schedule 3 listing is attached.

The report details the basis upon which the SSS listing is proposed and includes consideration of:

- The Department of Planning's (DoP's) 'Guideline for State Significant Sites under the Major Development SEPP'; and
- The matters listed in the Minister for Planning's correspondence dated 19 August 2010; and
- Clauses 2, 7 and 8 of the Major Development SEPP.

A Concept Plan has been separately but concurrently prepared for the Minmi/Link Road and Stockrington site and lodged with Department of Planning (DoP). This report should be read in conjunction with the Environmental Assessment that supports the Concept Plan.

In parallel, a draft Voluntary Planning Agreement (VPA) between Coal & Allied and the New South Wales Government (NSWG) has been prepared in accordance with Section 93F of the *Environmental Planning & Assessment 1979* ("EP&A Act").

Under the draft VPA Coal & Allied propose to develop 520ha at Minmi/Link Road for residential and associated development with a yield of approximately 3,300 dwelling lots. The balance of the Minmi/Link Road site together with part of Coal & Allied's land at Stockrington (1,561Ha) is proposed to be dedicated to the New South Wales Government (NSWG) for conservation purposes.

Other Coal & Allied sites in the Lower Hunter and Central Coast regions are subject to similar but separate Part 3A applications to the Department of Planning (DoP). Overall, Coal & Allied propose to dedicate approximately 2,956ha of Coal & Allied land to the NSWG to provide and enhance important conservation corridors identified in the Lower Hunter Regional Strategy (LHRS), Lower Hunter Regional Conservation Plan (LHRCP) and Central Coast Regional Strategy (CCRS).

This dedication of conservation lands will make a significant contribution to the Watagan-Stockton corridor identified in the LHRS and LHRCP.

The proposed land dedication is a positive conservation step that will protect an important array of vegetation communities, flora and fauna species, and natural landscape assets, including threatened species and endangered ecological communities in the conservation lands. The environmental gain from the environmental land offset package is a once in a generation opportunity that will provide an enduring legacy for the community and future generations in perpetuity.

The Minmi/Link Road and Stockrington site is considered to meet the criteria for a State Significant Site set out in the DoP's *Guideline for State Significant Sites* under the Major Development SEPP, both as an individual parcel and as an integral part of the Coal & Allied land offset package, in achieving key regional conservation outcomes through substantial land dedication.

Furthermore, over 800ha of Coal & Allied owned land in the Lower Hunter has been identified for urban development in the LHRS. The future 4,235 dwellings (including the 3,300 dwellings at Minmi/Link Road) will help achieve the State Government's objective to cater for the predicted population growth for the Region by 2031.



1 Request for Listing – Schedule 3 SEPP Major Development

This report has been prepared on behalf of Coal & Allied in support of an application for listing of the Coal & Allied owned Minmi/Link Road estate as a 'State Significant Site' (SSS) in Schedule 3 of the Major Development SEPP. The report has been prepared in accordance with the considerations provided by the Department of Planning in **Appendix A**. A draft Schedule 3 listing is attached in **Appendix B**.

The report details the basis upon which the SSS listing is proposed and includes consideration of:

- The Department of Planning's (DoP's) 'Guideline for State Significant Sites under the Major Development SEPP';
- The matters listed in the Minister for Planning's correspondence dated 19 August 2010; and
- Clauses 2, 7 and 8 of the Major Development SEPP.

It is proposed that the SSS listing/rezoning for the site delineates zones and associated development controls as well as establishes the future approval/consent authority regimes. The proposed SSS listing / rezoning for the site proposes areas that are to be developed and areas to be conserved and the future planning controls that will apply.

A new planning regime is required to rezone the sites to broaden the permissible land uses and to enable the proposed development of the site for residential and conservation uses.

It is proposed that the Schedule 3 amendment to the Major Development SEPP will introduce a new statutory planning framework for the Minmi/Link Road and Stockrington site that includes:

- Aims and objectives for each site;
- Zoning and permissible uses;
- Key development controls;
- The future consent/approval regime.

1.1 Background

In response to a request from Coal & Allied, on 15 June 2010, the Minister for Planning determined that the proposed Minmi/Link Road and Stockrington project constitutes 'Major Development', and authorised the submission of a 'Concept Plan' under Part 3A of the EP&A Act. The Minister also determined to consider listing the site under Schedule 3 of the SEPP by letter dated 16th August 2010 and signed 19 August 2010 (included at **Appendix A**), subject to consideration of various matters. These matters have formed the basis of this submission, and each major heading herein is a reference to one of the matters raised in the Minister's letter, being:

- (a) The State or regional planning significance of the site (having regard to the Guideline for State Significant sites under the Major Development SEPP);
- (b) The suitability of the site for any proposed land use taking into consideration environmental, social or economic factors, the principles of ecologically sustainable development and any State or regional planning strategy;
- (c) The implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning;
- (d) The means by which developer contributions should be secured in respect of the site;
- (e) The local and regional economic impacts of the proposed development;

- (f) The likelihood of the proposed rezoning for residential purposes achieving the desired outcomes of the State Government's regional strategies and the Western Corridor Planning Strategy;
- (g) The recommended land uses and development controls for the site that should be included in Schedule 3 of the Major Development SEPP;
- (h) Those parts of the site which should be subject to Part 4 of the Act with Newcastle Council is the consent authority; and
- (i) Appropriate arrangements (if relevant) for the management of land for open space purposes, including consultation with the relevant Council.

1.1.1 Context

Coal & Allied has been operating in the Hunter Valley for more than 150 years, with the earliest coal mining operations located in the East Maitland area dating back to 1844. Numerous mergers, expansions and acquisitions since then have led to Coal & Allied becoming a regionally significant mining company.

Since 2004, Coal & Allied has been majority owned and managed by Rio Tinto Coal Australia (RTCA). Coal & Allied today is one of the major coal producers in the Hunter Valley, employing around 1,500 people across three operations. With annual coal production of around 30 million tonnes, Coal & Allied continues to evolve as it strives to achieve a vision of being a safe and highly successful business valued by customers, employees, shareholders and the community.

Coal & Allied has seven separate holdings in the Lower Hunter totalling approximately 4,078 hectares. Three are located in the southern area comprising Catherine Hill Bay (Middle Camp), Nords Wharf and Gwandalan. Four are located in the northern area comprising Stockrington and Minmi (including land north and south of Link Road), Black Hill and Tank Paddock. The landholdings are located in four local government areas of Lake Macquarie, Wyong, Newcastle and Cessnock.

The northern lands are located approximately 20 kilometres west of Newcastle and are almost halfway between Newcastle and Cessnock. The Minmi land adjoins the existing Minmi township and is close to the emerging Glendale Town Centre and the Glendale/Cardiff renewal corridor identified in the Lower Hunter Regional Strategy. These lands are close to the F3 Freeway and Newcastle Link Road transportation corridors. The Minmi lands are adjacent to the Blue Gum Hills Regional Park and Hexham Swamp.

The Black Hill site is located at the intersection of the F3 Freeway and John Renshaw Drive. Tank Paddock and Stockrington are located east and west of F3 Freeway and fall within the Watagan-Stockton conservation corridors identified in the LHRS and LHRCP.

In terms of the Coal & Allied southern lands, Catherine Hill Bay (Middle Camp) and Nords Wharf are located between Wallarah National Park and Munmorah State Conservation Area. Gwandalan adjoins Lake Macquarie State Conservation Area and Chain Valley Bay. Gwandalan is on the western side of Crangan Bay, Lake Macquarie and Nords Wharf is on the eastern side. Catherine Hill Bay (Middle Camp) is located on the east coast halfway between Swansea Heads and the Budgewoi Peninsula.

1.1.2 Regional Planning Context

The Minmi/Link Road and Stockrington site has been recognised for its regional significance to the Lower Hunter Region based on its inclusion in the LHRS for proposed urban development and in the LHRCP for proposed conservation land dedications. The proposal is entirely consistent with the LHRS and LHRCP.

Minmi/Link Road and Stockrington must be considered in the broader strategic and geographic context, rather than just which council area or region it falls within, in order to realise the State Government objective of securing emerging major conservation corridors.

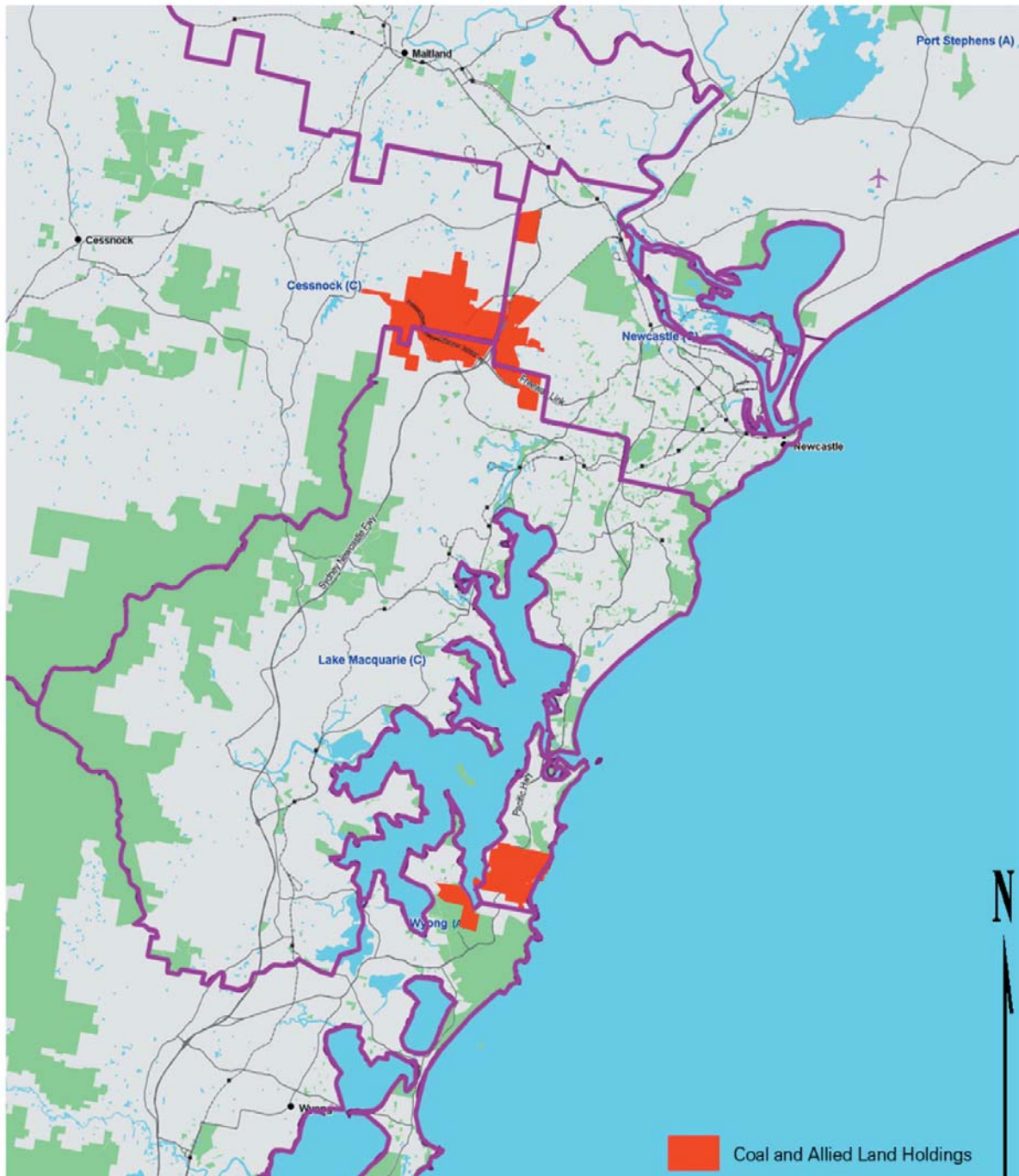


Figure 1 – Regional Context: Coal & Allied Land Holdings in the Lower Hunter and Central Coast

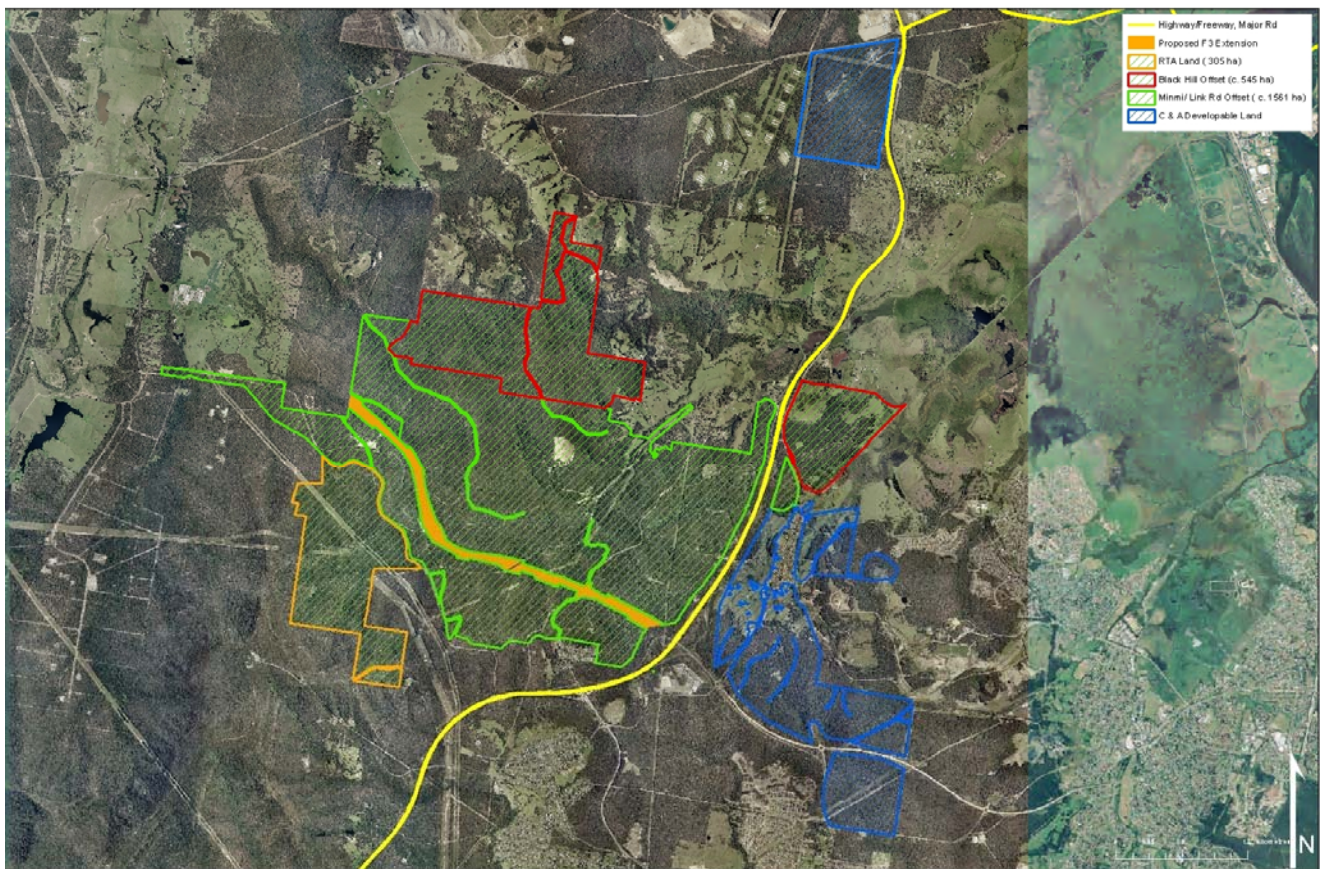
1.2 The Minmi/Link Road and Stockrington Site

The Minmi/Link Road estate, comprising Minmi, and the land to the north and south of the Link Road, is situated to the east of the F3 Freeway and straddles the Newcastle Link Road. These lands are anticipated to accommodate approximately 3,300 dwellings to be facilitated in the proposed Concept Plan, which will adjoin the existing Minmi Township and the arterial road system. The Minmi/Link Road estate is adjacent to the Blue Gum Hills Regional Park and Hexham Swamp.

Newcastle CBD is approximately 17km east of the Minmi/Link Road estate, however outer lying suburbs such as Wallsend are within 5km of the Township, which includes a district centre commercial core. New residential subdivisions have been approved to the north, south and east of the Minmi/Link Road estate, which also contribute to providing some of the 69,000 dwellings identified in the LHRS to be accommodated within new release areas, such as Cameron Park and Britannia Estate. The Minmi/Link Road estate will connect these new release areas, while still respecting the F3 Freeway as the residential/urban development boundary of the Newcastle Metropolitan area.

The Minmi/Link Road site is owned by Minmi Land Pty Ltd, a wholly owned subsidiary of Coal & Allied Industries Ltd (Coal & Allied) and comprises approximately 537ha, including approximately 17ha proposed to be transferred to the NSW Government as conservation land.

Figure 2 – Local Context: Minmi/Link Road



NORTHERN AREA- DEVELOPMENT AND CONSERVATION AREAS FEB '11



The Minmi/Link Road estate comprise the allotments with the following legal description:

- Part Lot 71 DP 1065169 (aka 712 DP1113237);
- Lot 351 DP 1108608; (previously known as Lot 35 DP 800036);
- Lot 6 DP 1044574;
- Lot 2 DP 877349;
- Lot 3 DP 877349;
- Lot 48 DP 115128;

There are a number of unmade roads in the Link Road North area which are owned by the Crown. The roads do not exist physically and the Crown has no required use for the roads and as a result, Coal & Allied has applied for the closure of the roads (known as Lot 1 DP 1156243) and to purchase the land.

The Concept Plan has been prepared without regard for the locations of these roads. These lots are known as Link Road North, Link Road South and Minmi lands.

The Stockrington land that is proposed to be dedicated to NSWG as conservation lands has a total area of 1,544Ha. The current title descriptions for the Coal & Allied owned Stockrington landholding are:

▪ 83//DP755260	▪ Part 71//DP1065169	▪ 2//DP551917	▪ 12//DP1078246
▪ 84//DP755260	▪ 2//DP250339	▪ 30//DP1085228	▪ 1//DP250339
▪ 8//DP755260	▪ 2//DP124209	▪ 96//DP755260	▪ 82//DP755260
▪ 51//DP1095513	▪ 1//DP155446	▪ 3//DP250339	▪
▪ 89//DP755260	▪ 1//DP503566	▪	▪ 1//DP505578
▪ Pt 13//DP1078246	▪ 3//DP977096	▪ 1//DP1126627	▪
▪ 72//DP755260	▪	▪ 1//DP123945	▪ 126//DP755262
▪ 125//DP755260	▪ 1//DP1039968	▪ 5//DP250339	▪ 2//1126627
▪ 1//DP124209	▪ 9//DP1078246	▪ 4//DP250339	▪
▪	▪ 4//DP977096	▪ 1//DP119630	▪ 95//DP755260

Land at Stockrington transferred to RTA (approx 305Ha) which in turn will be transferred to DECCW includes the following lots:

- 2//DP551917;
- Pt 1 & 3 / DP1126627
- 126//DP755262;
- Pt 13/ DP1078246

This SSS Study seeks to rezone the future RTA lands as part of this proposal.

1.2.1 Minmi

The Minmi Township was originally a cattle station which was converted into a coal mine in the 1850s. The land is underlain by coal mine workings in two seams, the Young Wallsend and the Borehole seams. Underground mining first commencing in the mid 1800's where it is understood that mining continued to operate as such until 1925. In the 1900s, open cut mining commenced for a further 5 years, primarily around Minmi Creek and Back Creek.

The land has been owned by Coal & Allied for many years for coal mining. The lease for underground and surface mining for the site has been relinquished.

Land ownership within Minmi is highly fragmented, with most allotments within the township privately owned, however the surrounding land is held generally held in single ownership by Coal & Allied.

The key aspects of the Minmi Township and surrounding lands are:

- There are several existing privately owned houses within the development areas, which are proposed to be accommodated within the future residential subdivision;
- The Minmi township includes several heritage items;
- The distinct character of the existing built environment of Minmi comprises :
 - Single storey dwellings along Woodford Street;
 - Dwellings positioned on hillsides;
 - Dwellings are predominantly timber clad and fibro with metal roofs with evidence of more recent brick construction dwellings.

- Past mining activity in Minmi is evident through the presence of filled embankments and cuttings that formed the former rail lines; the presence of open cut mines and capped shafts and other mining infrastructure;
- Access to Minmi from the north is via Lenaghans Drive and Newcastle Link Road, and Woodford Street from the south. Minmi Road provides access from the east;
- The terrain ranges from gentle slopes through to steep topography and consists of cleared areas through to dense vegetation;
- Several watercourses run through the site, which drain into Hexham Swamp, a large wetland system of the Hunter River Estuary. The main channel of Minmi Creek flows through Minmi West, to the west of the existing Minmi village area. Other additional tributaries on the Minmi East area discharge directly to Hexham Swamp.

1.2.2 Link Road North and South

The Link Road North area is a densely vegetated area which is disconnected from the Conservation Lands by the existing road network. Similarly, the Link Road South land is densely vegetated and disconnected from surrounding conservation areas by other residential subdivisions such as Edgeworth and Cameron Park, as well as the existing road network.

The Link Road North and South land has remained relatively undeveloped and undisturbed to date. Previous underground mining activities present some stability issues for the land which consists of moderately to steeply undulating terrain. Vegetation clearing has occurred to accommodate transmission lines within transmission easements and fire access tracks.

Land relating to an unformed road reserve was recently transferred from the Crown to the control of Lake Macquarie City Council under the *Roads Act 1993* and extends along the eastern portion of the Link Road North area.

Surface levels of the Link Road North and South areas range from about 20m AHD at the northern and southern boundaries to about 90m AHD at the Link Road. Evidence of previous mining activities includes two capped shafts and remnants of previous structures including a number of old slabs and footings.

Back Creek, a major tributary of Minmi Creek, rises on the Link Road North estate and flows north, before entering Minmi Creek just prior to discharging into Hexham Swamp. Brush Creek rises on the Link Road South estate and flows south through Edgeworth to Cackle Creek, ultimately discharging into Lake Macquarie adjacent to Boolaroo.

The land is all held within single ownership by Coal & Allied which enables it to be developed as a single area.

1.2.3 Stockrington:

The Stockrington site is located within three Council areas. The site incorporates listed heritage items associated with the former Richmond Vale Railway and collieries in Stockrington. The site is highly constrained by topography and watercourses and parts of the site are remote with restricted access.

The site is predominantly densely vegetated with some cleared areas. It is a regionally significant parcel of land given its ecological significance, size and single ownership. The Hunter Expressway (previously known as F3 to Branxton Link) will traverse the site as part of future regional transport plans.

1.3 Voluntary Planning Agreement

Coal & Allied propose to dedicate land for conservation purposes via a Voluntary Planning Agreement (VPA) between Coal & Allied and the NSWG in accordance with s.93F of the EP&A Act.

The Draft VPA will set out contributions towards State infrastructure.

A Draft Statement of Commitments will be prepared to support the Concept Plan and associated Environmental Assessment.



2 State and Regional Planning Significance

The Department of Planning's (DoP's) 'Guideline for State Significant Sites under the Major Development SEPP', provides that when considering whether a site can be categorised as being of State significance, the Minister will consider whether the site meets one or more of the following criteria:

(a) be of regional or state importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives; or

(b) be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives. For example protecting sensitive wetlands or coastal areas; or

(c) be of regional or state importance in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives. For example sensitive redevelopment of heritage precincts; or

(d) need alternative planning or consent arrangements where:

(i) added transparency is required because of potential conflicting interests.

(ii) more than one local council is likely to be affected.

It is considered that proposed development of Minmi/Link Road and Stockrington site directly meets criteria (a), (b) and (d).

2.1 Criteria (a) of the SSS Guidelines

Criteria (a) of the SSS Guidelines states that a site can be categorised as being of State significance if the Minister considers it to be of regional or State importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives.

The Coal & Allied owned Minmi/Link Road and Stockrington sites have been recognised for their State and regional significance based on their inclusion in the LHRS for urban development and conservation.

Coal & Allied propose to develop 520ha of Minmi/Link Road for residential development with a maximum yield of 3,300 dwelling lots. The balance of the Minmi/Link Road (17ha) and part of the Stockrington site (1,544ha) is proposed to be dedicated to the NSWG for conservation purposes. The conservation land proposed to be dedicated to the NSWG will provide and enhance vitally important conservation corridors identified in the LHRS and LHRCP, most notably the Watagans to Stockton Green Corridor.

The proposed dedication of land to the NSWG for conservation purposes will contribute key strategic parcels of land that complete long sought-after regional biodiversity conservation corridors for retention in perpetuity by the NSWG.

The proposal for Minmi/Link Road and Stockrington is considered to meet the criteria for a State Significant Site both as an individual parcel and as an integral part of the overall Coal & Allied environmental land dedication that will achieve substantial conservation outcomes as set out in the LHRS and LHRCP.

Furthermore, the proposed 3,300 dwellings at Minmi/Link Road will help achieve the State Government's objective to cater for the predicted population growth for the Lower Hunter Region until 2031.

In our opinion, the proposal for Minmi/Link Road and Stockrington satisfies criteria (a) of the SSS Guidelines.

2.2 Criteria (b) of the SSS Guidelines

Criteria (b) of the SSS Guidelines states that a site can be categorised as being of state significance if the Minister considers the site to be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives.

As stated, the expansion, management and protection of the Watagans to Stockton Green Corridor for conservation and biodiversity is a key focus of the LHRS and the companion LHRCP. Coal & Allied are proposing to dedicate approximately 1,561ha of Minmi/Link Road and Stockrington land to the NSWG as 'conservation land' to provide an important component of the Watagans to Stockton Green Corridor. The proposed Coal & Allied land dedication will clearly facilitate the expansion and enhancement of the biodiversity and conservation values of the Watagans to Stockton Green Corridor.

As part of their northern lands, Coal & Allied also propose to dedicate approximately 147ha of the Tank Paddock and an additional 398ha at Stockrington to the NSWG as 'conservation land'. The proposed Coal & Allied land dedication will clearly help protect, expand and enhance the biodiversity and conservation values of the Watagans to Stockton Green Corridor.

The 2,106ha of Minmi/Link Road, Tank Paddock and Stockrington that is proposed to be dedicated for conservation provides substantial areas of contiguous vegetation, some of which has state and regional ecological value. The proposed dedication of land to NSWG will also ensure substantial and significant land will be protected from inappropriate development by locking away this land as 'conservation land' in public ownership in perpetuity. The environmental gain from the proposed environmental land offset package is a once in a generation opportunity that will provide an enduring legacy for the community. The proposed dedication of 1,561ha of Minmi/Link Road and Stockrington site to the NSWG by Coal & Allied is clearly of state and regional significance.

Importantly the proposal for Minmi/Link Road and Stockrington site will also result in the establishment of ecological corridors across the site, encompassing riparian corridors and linking to Blue Gum Hills Regional Park and Hexham Swamp.

In our opinion, the proposal for Minmi/Link Road and Stockrington clearly satisfies criteria (b) of the SSS Guidelines.

2.3 Criteria (d) of the SSS Guidelines

Criteria (d) of the SSS Guidelines states that a site can be categorised as being of State significance if the Minister considers that the site needs alternative planning or consent arrangements where:

- Added transparency is required because of potential conflicting interests; and
- More than one local council is likely to be affected.

Alternative planning consent arrangements are necessary because the Minmi/Link Road and Stockrington land forms an important part of an overall environmental land offset package proposed for the Lower Hunter and Central Coast by Coal & Allied which includes seven Coal & Allied owned sites across four local government areas (Newcastle, Lake Macquarie, Cessnock and Wyong Councils). This creates complications given the likely differing views of the respective Councils as to how and whether or not the proposals for each site should proceed. Separate consent arrangements are unlikely to enable an appropriate conservation and land use framework to be achieved in a timely, effective and efficient manner. All of the Coal & Allied sites, including Minmi/Link Road and Stockrington need to be considered in a regional context rather than a Council-by-Council basis to allow for the coordinated protection of priority areas of biodiversity. This will result in a more targeted conservation action, rather than an uncoordinated approach to the sites.

It is therefore important that Minmi/Link Road and Stockrington be considered in a coordinated manner by the NSWG to achieve permanent preservation of the Watagans to Stockton Green Corridor. Given the overall environmental land offset package proposed for the Lower Hunter and Central Coast by Coal & Allied spans four local government areas, the environmental gains to the community would not be achieved if each site was separately considered by the individual Councils.

In our opinion, the proposal for Minmi/Link Road and Stockrington satisfies criteria (d) of the SSS Guidelines.

In summary, the proposed development and proposed conservation land dedication of Minmi/Link Road and Stockrington clearly meets the criteria of the SSS Guidelines as outlined above. The listing of the site on Schedule 3 of the Major Development SEPP will facilitate the orderly use, development and conservation of regionally important sites of environmental and social significance to the State.



3 The Suitability of the Site

Detailed considerations to mitigate the environmental, social and economic impacts arising from the proposed residential development permitted in the proposed SSS listing are included in the accompanying Concept Plan and supporting Environmental Assessment, rather than the proposed SSS listing. The Environmental Assessment accompanying the Concept Plan demonstrates that the proposed residential (and ancillary) development arising from the proposed SSS listing can be accommodated without unreasonable environmental, social or economic impacts. Notwithstanding this, the environmental, social and economic factors arising from the proposed rezoning and the principles of Ecologically Sustainable Development (ESD) are addressed below.

3.1 Environmental

3.1.1 Regional context

Minmi/Link Road is located within the Lower Hunter Region. The Minmi/Link Road site is positioned partly within the Lake Macquarie City Council and Newcastle City Council areas, and is located approximately 145 km from Sydney and approximately 17kms northwest of the Newcastle City Centre. Outer lying suburbs such as Wallsend are within 5km of the Minmi Township, which includes a district centre commercial core. New residential subdivisions have been approved to the north, south and east of the Minmi/Link Road estate, which also contribute to providing some of the forecast growth in the LHRS to be accommodated within new release areas, such as Cameron Park and Britannia Estate.

The Minmi/Link Road site, comprising Minmi and the land to the north and south of the Link Road is bounded by the F3 Freeway to the west, Blue Gum Hills Regional Park to the east, Hexham Swamp Wetland to the north and the Newcastle Link Road to the south. Minmi is an historic mining town with a current population of approximately 732 people.

The Stockrington site adjoins the Mount Sugarloaf Recreation Reserve and the Heaton State Forest to the southwest and the Pambalong Nature Reserve (part of Hexham Swamp Wetland) to the north east, and forms part of this sizable vegetation corridor. It also adjoins the small settlement of Seahampton to the southeast. Stockrington forms part of the Watagan Ranges to Port Stephens conservation area identified in the LHRCP. It is positioned primarily within the City of Cessnock, however has parts included in the Cities of Newcastle and Lake Macquarie.

The Coal & Allied owned land at Stockrington that is proposed to be dedicated for conservation will play a significant role in securing in perpetual ownership the Watagan Ranges to Port Stephens conservation area. The proposed land dedication is a positive conservation step that will protect an important array of vegetation communities, flora and fauna species, and natural landscape assets, including threatened species and endangered ecological communities in the conservation lands. The environmental gain from the proposed conservation land dedication is a once in a generation opportunity that will provide an enduring legacy for the community and future generations.

2,106ha will be dedicated to the NSWG as 'conservation land' across the Coal & Allied northern lands. This includes 100% of Tank Paddock (147ha) and Stockrington sites (1,942ha), as well as 17ha of Minmi. This land provides an important component of the Watagan to Stockton Corridor. The conservation land dedication is crucial in achieving the State Government's objective of securing major conservation corridors, most notably the Watagan to Stockton Corridor. It is crucial to note that 75% land dedication for conservation purposes is well in excess of traditional conservation outcomes from VPA processes.

The preservation of large vegetated areas that are linked to other similar areas has been recognised as fundamentally important to achieving long term regional biodiversity outcomes. The two most valued of these areas in the Lower Hunter contain large land areas owned and controlled by Coal & Allied:

- The corridor that links the Watagan and Yengo National Parks with the coastal plains of the Tomago Sandbeds, Stockton Bight and Port Stephens; and

- The Wallarah Peninsula lands provide a regionally significant break between urban areas, and contain areas of high biodiversity, scenic amenity and heritage value.

The Coal & Allied lands to be dedicated form large vegetated areas in their own right, and complete the linkage of identified regional corridors in key areas.

In addition to their important strategic location in a wider landscape context, the proposed conservation lands contain valuable biodiversity resources. They contain and will conserve a range of important vegetation communities, including areas of Endangered Ecological Communities (EEC) and other vegetation types that have been depleted in the region. Several threatened plant species have been recorded within the Conservation Estates, including *Arthropteris palisotii*, *Tetratheca juncea* (Black-eyed Susan), *Grevillea parviflora* subsp. *parviflora*, *Eucalyptus nicholii*, *Rutidosia heterogama*, *Syzygium paniculatum* and *Callistemon linearifolius*. Two of the threatened flora species recorded in the Conservation Estates are considered to be planted specimens and not naturally occurring, being *Eucalyptus nicholii* and *Syzygium paniculatum*, although *S. paniculatum* may have been transported to its position in a disturbed area by natural means. In addition to these threatened species two rare (ROTAP) species *Callistemon shiressii* and *Eucalyptus fergusonii* subsp. *dorsiventralis* were also identified within the Conservation Estates.

The diverse nature of both the landform settings, varying from coastal ranges forests and woodlands to coastal heath to wetlands, provides a diverse array of habitats and resources for native fauna. The proposed conservation lands are known to contain important populations of numerous threatened fauna species, including birds, mammals and herpetofauna. The conservation of these lands will provide secure regional biodiversity gene pools, and also through linkages facilitate valuable genetic material exchange and other key processes associated with sustainable ecological population dynamics.

The proposed dedication of the 17ha land at Minmi together with the 1,544ha of Coal & Allied land at Stockrington will:

- Conserve in perpetuity key strategic parcels of land that complete long sought after regional biodiversity conservation corridors and buffer areas;
- Provide large intact areas of conserved habitat that will function as regional biodiversity gene pools;
- Protect an important array of vegetation communities, flora and fauna species, and natural landscape assets, including threatened species and EEC's;
- Contribute significantly to the successful implementation of the Lower Hunter Regional Conservation Plan; and
- Achieve additional conservation benefits within Development Estates via appropriate urban design and management practices.

3.1.2 Local context

The Ecological Assessment Report for Minmi/Link Road and Stockrington prepared by RPS and included in the Concept Plan EA demonstrates that that the proposed developable footprint areas have regard to the ecological constraints of the site.

The assessment was undertaken within respect to the *EP&A Act 1979*, the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*. Consideration of potential constraints has also been undertaken in relation to the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* and guidelines associated with the NSW Department of Environment, Climate Change and Water.

The Ecological Assessment concludes that the quantum of the offset lands, when viewed holistically with proximate existing and proposed conservation reserve areas, provides a robust long-term outcome for all species and communities. Furthermore, suitable actions are proposed to minimise potentially deleterious permanent and ongoing impacts to the conservation lands.

The field and desktop studies have recorded the following parameters of ecological significance within both the proposed conservation lands and the proposed development areas:

- native vegetation commensurate with those listed as EEC's;
- threatened flora species recorded within and adjacent to the proposed development;
- threatened fauna species recorded within and adjacent to the proposed development;
- habitat for threatened flora and fauna species known from within and adjacent to the proposed development; and
- other areas containing native vegetation with varying degrees of modification / degradation.

A series of recommendations have been outlined to aid in the reduction of potential impacts associated with the proposal.

Given that measures have been taken to avoid ecological impacts and that where native vegetation may be affected, efforts have been made to avoid particularly sensitive areas where practical, it is considered unlikely that any significant impacts would occur upon threatened species, communities or populations. The large areas of land at Stockrington that will be set aside for conservation as part of the development provide excellent ecological outcomes across the site. The proposed Stockrington conservation lands will contribute a large portion of land to conservation in perpetuity, which will in essence formalise the Watagan to Stockton Corridor. This large tract of native vegetation will provide protected habitat for a wide variety of native flora and fauna.

In addition, conservation outcomes will also be achieved within the proposed Minmi/Link Road development area by best practice approaches to urban design and use of landscaping, feature retention, and considered development edge treatments. Such approaches and techniques include:

- Retaining vegetation along ridges to reinforce the existing local bushland backdrop;
- Respecting the existing townships through complimentary design of the character of new housing, addressing proportion, size, building elements and materials;
- A water sensitive urban design strategy for the Minmi/Link Road estate has been provided in the Environmental Assessment of the Concept Plan;
- Protecting natural attributes of the site as well as areas of aboriginal cultural significance.

Furthermore, in accordance with the DGEAR's issued on 19 August 2010 for Minmi/Link Road the Environmental Assessment that supports the proposed Concept Plan for the site addresses the following environmental issues:

- Urban Design, development controls and land uses;
- Staging of Development;
- Commercial / retail development;
- Topography and site preparation;
- Conservation lands;
- Biodiversity;
- Geotechnical and mining activities;
- Transport and accessibility;
- Noise;
- Air Quality;
- Heritage;

- Water quality, groundwater and riparian corridors;
- Flooding;
- Visual impact;
- Bushfire Risk Assessment;
- Future public land;
- Utilities;
- Ecologically Sustainable Development (ESD);
- Social Impact and social infrastructure;
- Subdivision.

It has been concluded that the proposed development should not significantly impact upon threatened or regionally significant flora and fauna, ecological communities or populations and the implementation of operative environmental management practices should also ensure that the ecological impact of the project is minimised.

3.2 Social

The land identified for future residential and associated development is considered to be an extension of the existing townships at Minmi, and Cameron Park to the west. The site is in close proximity to an existing range of services and facilities at Minmi, Fletcher Maryland, Cameron Park, Glendale and New Lambton Heights including shops, schools, sporting and recreation facilities, hospitals and childcare.

An assessment of social impacts associated with the proposed development of Minmi/Link Road and a social infrastructure assessment has been undertaken by Urbis as part of the Part 3A concept plan preparation and SSS reporting. The assessment is contained within the submitted Social Impact Assessment attached to the Environment Assessment report. The report provides an assessment of the social impacts and mitigation measures as well as the social infrastructure needs and provision as a response.

To ensure effective contribution of identified social infrastructure Coal & Allied will enter into separate agreements with LMCC and NCC to:

- Pay Section 94 Contributions as per the appropriate Plan at the time of development of each stage of the project. Payment may be Works in Kind, cash or a combination of both;
- Agree mechanisms for land dedications including parks, riparian corridors, sportsfields, community facilities etc;
- Include any ongoing management arrangements determined necessary by Coal & Allied and the Councils;
- The requirements tabled in for each respective Section 94 Plan (for Newcastle City Council and Lake Macquarie City Council) have the potential to change over time as new Plans are prepared by Councils to align with new population projections and community demands for as needed community infrastructure.

In addition to the Section 94 contributions, Coal & Allied has offered to enter into a Voluntary Planning Agreement (VPA) with the NSW State Government. The proposed VPA offer by Coal & Allied includes relevant commitments from its statement of commitments. A Draft Statement of Commitments is included in the Concept Plan EA submitted for the site. This details the contributions, additional studies, applications and works the proponent commits to undertake in association with the project. This also provides details of the VPAs between Coal & Allied and the State and Local Governments relating to the proposed contributions under s93F of the EP&A Act.

In addition, Coal & Allied has allocated an amount of \$10 million for initiatives associated with the delivery of social infrastructure to support the existing and future communities at Minmi/Link Road and Black Hill. The \$10 million is proposed to be directed at initiatives that would not ordinarily be provided as part of the development of a new residential or employment estate and, are considered to be 'over and above' what is reasonably necessary to satisfy State and Local Government approval requirements.

The \$10 million may be used for sustainability initiatives for future residents, additional infrastructure to support existing and future residents, educational and or community programs. The final list of initiatives for Minmi/Link Road is submitted with the Concept Plan proposal for the Minmi/Link Road estate and is subject to on-going consultation and final approval by the Coal & Allied Board.

3.3 Economic

An Economic Impact Assessment has been prepared by Sphere to support the Concept Plan for the site. This report concludes that the proposed development of Minmi/Link Road will result in the following economic impacts:

- Injection of an estimated \$862m of new, capital investment into the economy from expenditure on housing, commercial and retail space plus infrastructure services both internal and external to the site including road, energy services, water, sewer and communication works (2010 dollar terms);
- Create an estimated 3,662 direct, full time equivalent jobs of which up to half are expected to be in the Hunter and will extend over a 20 year period to 2032;
- Support a further 9,400 jobs (up to half local) over the project life resulting from the multiplied employment stimulus among construction related industries flowing on from the primary expenditure;
- Provide additional flow-on economic effects over 20 years of around \$1,250 million from expenditure by recipients of the primary income;
- Create a project that demonstrates a net, direct benefit to the economy from a forecast BCR of 1.31 using NSW Treasury methodology.

3.4 Ecologically Sustainable Development

3.4.1 Coal & Allied sustainability commitment

Coal & Allied is committed to sustainable development. The three principles of Coal & Allied's approach are:

Social wellbeing

- Protect human health and safety;
- Stakeholder engagement and transparency;
- Communities; and
- Education.

Environmental stewardship

- Resource stewardship;
- Pollution prevention; and
- Product stewardship.

Economic prosperity

- Shareholder return;
- Economic contribution; and
- Customer focus.

3.4.2 Sustainability Framework for Minmi/Link Road and Stockrington

The proposed development of 520 ha at the Minmi/Link Road site and the proposed dedication of 1,544ha for conservation at Stockrington together with 17hectares at Minmi (total 1561ha) provides the opportunity to create new communities for the Lower Hunter region and in doing so, implement key objectives and outcomes of the LHRS and LHRCP associated with accommodating sustainable population and employment growth and environmental outcomes.

Minmi/Link Road and Stockrington are identified in the LHRS and LHRCP for urban development and conservation. It is important to note that LHRS clearly states that the sustainability criteria in the LHRS will not apply to proposals for development in the areas identified as conservation corridors on the strategy map (i.e. the Stockton Watagan conservation corridor). Notwithstanding that the Minmi/Link Road site has been identified for urban purposes, an assessment against each of the sustainability criteria listed in Appendix 1 of the LHRS has been undertaken for Minmi/Link Road to illustrate its suitability for future residential and conservation purposes. The assessment in the following Table shows that the subject land comprehensively satisfies the sustainability criteria.

Table 1 – Sustainability Criteria and Relevant Outcome

Sustainability Criteria	Relevant Outcome for Development
<p>Infrastructure Provision</p> <ul style="list-style-type: none"> ▪ Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way. 	<p>A detailed assessment of the proposed development of Minmi/Link Road and Stockrington against all relevant regional strategies, sub regional strategies, etc is provided in Environmental Assessment for the site Concept Plan.</p> <p>The concept plan commits to the funding and delivery of all on-site infrastructure and services including the following specific infrastructure prior to or in conjunction with the initial stages of the proposed development such that the following infrastructure is available when lots are subdivided:</p> <ul style="list-style-type: none"> ▪ Electricity services. ▪ Water. ▪ Sewer. ▪ Natural gas. ▪ Telephone cabling service. <p>The Concept Plan will ensure that sufficient land is provided within new road reserves for utilities and land dedicated will be at no cost to the NSWG.</p> <p>The Concept Plan also commits to:</p> <ul style="list-style-type: none"> ▪ The upgrade of Link Road and the intersection of Minmi Road, Cameron Park and Woodford Street and Link Road intersection as required. ▪ The implementation of local traffic management measures within the development. ▪ Open space will be established in the different stages of the development. <p>Contributions will be made to improve local and regional infrastructure. This may involve the implementation of various VPAs with State and Local Government prior to</p>

Sustainability Criteria	Relevant Outcome for Development
	final approval of a construction certificate for subdivision.
<p>Access</p> <ul style="list-style-type: none"> ▪ Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided. 	<p>Access is available along Minmi Road, Woodford Street and Lenaghans Drive. Access is also available via the Link Road.</p> <p>Pedestrian/cycle access will be incorporated within the development.</p> <p>At Minmi, bus services are limited. Route 260 is operated by Blue Ribbon Bus Company and links Minmi with Fletcher and Maryland to Wallsend. The size of the proposed development site, together with development at Edgeworth is such that there could be a strong case made for increasing the 260 service level to serve the existing and additional residents.</p>
<p>Housing Diversity</p> <ul style="list-style-type: none"> ▪ Provide a range of housing choices to ensure a broad population can be housed. 	<p>The proposed Concept Plan offers opportunity for housing diversification at Minmi/Link Road. Furthermore, the Coal & Allied overall environmental land package for the Lower Hunter will easily permit the provision of a range of dwelling houses across the region.</p>
<p>Employment Lands</p> <ul style="list-style-type: none"> ▪ Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies. 	<p>The proposed rezoning is for residential and conservation purposes only. No employment land is proposed at Minmi/Link Road other than the provision of local retailing and community facilities.</p> <p>The proposed development will create an estimated 3,555 direct, full time equivalent jobs of which up to half are expected to be in the Hunter and will extend over a 20 year period to 2030. The project will also support a further 9,904 jobs (up to half local) over the project life resulting from the multiplied employment stimulus among construction related industries flowing on from the primary expenditure.</p>
<p>Avoidance of Risk</p> <ul style="list-style-type: none"> ▪ Land use conflicts, and risk to human health and life, avoided. 	<p>The proposed development involves no land use conflicts with the adjacent and existing community areas.</p> <p>Overall it is submitted that the proposed development is suitable for existing and future predicated climate and flooding conditions.</p> <p>GHD has investigated potential flooding impacts as part of the Concept Plan EA, including assessment of climate change impacts on flooding. The areas of inundation relative to the 100-year ARI flood and the proposed Concept Plan structure are primarily associated with riparian corridors. In a few isolated areas in the northern precincts the 100-year ARI event extends into the development footprint. Minor filling of the flood fringe would be required to ensure roadways and lots remain flood free. Dwelling floor levels would need to consider these impacts and be located above these flood levels. It is recommended that Flood Planning Levels be adopted that locate floor levels of dwellings with a freeboard of 500 mm above 100- year ARI flood levels.</p> <p>Flood hazard impacts will be minimised by designing the capacity of both the overland flow paths and underground stormwater system to provide a level of service that minimises the flood risk; whilst a flood evacuation strategy would be provided for all areas inundated by the PMF.</p>

Sustainability Criteria	Relevant Outcome for Development
	<p>A more detailed Floodplain Risk Management Study is recommended to be undertaken in future sub-division design stages of the project, supported by more detailed flood modelling and flood mapping.</p> <p>The former use of the site for coal mining operations is associated with a number of potential constraints, including subsidence, subterranean gases, contamination and other associated risks. Douglas Partners has undertaken surface and subsurface investigations to identify constraints and measures required to respond to the site constraints relative to the former coal mining use. Douglas Partners have also assessed the capability of the land for the proposed development with respect to erosion potential, slope stability, sodicity and salinity and the presence of potential and actual acid sulphate soils. Refer to the Environmental Assessment report for further details.</p> <p>Minmi/Link Road constitutes Bushfire Prone Land. A Bushfire Threat Assessment has been undertaken by RPS to accompany the Concept Plan. This report provides recommendations that have been incorporated into the concept plan design to meet relevant legislative requirements in terms of APZs, roads, fire fighting capability and future dwelling design.</p>
<p>Natural Resources</p> <ul style="list-style-type: none"> ▪ Natural resource limits not exceeded. ▪ Environmental footprint minimised and managed. 	<p>None of the land is zoned for agricultural purposes. Future mining at the site is unlikely but possible. Future mining at the site, if it occurred, may affect the standard guidelines outlined. Restrictions on development due to future mining are provided by the DARZL committee and a formal application to the MSB is required.</p> <p>Monitoring of borehole gas concentrations was undertaken to assess the potential for future extraction of coal seam methane. The results indicated low concentrations of methane in some of the bores immediately following drilling, however subsequent monitoring indicated no measurable concentrations suggesting any methane which was present was limited and quickly dissipated. Therefore the site is not expected to be suitable for methane extraction from the former mine workings.</p> <p>The environmental footprint will be designed to maximise the water management and quality thereof.</p> <p>Future development will reduce Greenhouse Gas emissions to at least BASIX compliance.</p>
<p>Environmental Protection</p> <p>Protect and enhance biodiversity, air quality, heritage and waterway health.</p>	<p>As detailed in the Environmental Assessment, the proposed rezoning and development for residential and conservation purposes should not significantly impact upon threatened or regional significant flora and fauna, ecological communities or populations.</p> <p>In fact, the Coal & Allied conservation dedications provide outcomes that contribute to meeting the environmental protection goals outlined in the sustainability criteria of the LHRS, including:</p> <ul style="list-style-type: none"> ▪ Conserve in perpetuity key strategic parcels of land that complete long sought after regional biodiversity conservation corridors and buffer areas; ▪ Provide large intact areas of conserved habitat that will function as regional biodiversity gene pools;

Sustainability Criteria	Relevant Outcome for Development
	<ul style="list-style-type: none"> ▪ Protect an important array of vegetation communities, flora and fauna species, and natural landscape assets, including threatened species and EEC's; ▪ Contribute significantly to the successful implementation of the LHRCP; ▪ Maintains environmental areas for air & water quality; ▪ Protects areas of Aboriginal cultural heritage value and historical heritage value; and ▪ Achieves additional conservation benefits within Development Estates via appropriate urban design and management practices. <p>The proposal will contribute significantly to the successful implementation of the LHRCP. The transfer of the substantial Coal & Allied owned land for conservation will play a significant role in realising the objectives of the LHRS and the LHRCP, which clearly identifies these lands as conservation priorities and acknowledges the contribution the transfers provide to achieving successful implementation of the two plans.</p> <p>Water sensitive urban design features will be incorporated into the development to manage stormwater, pollutants and sediments according to ANZECC and local government guidelines.</p>
<p>Quality and Equity in Services</p> <ul style="list-style-type: none"> ▪ Quality health, education, legal, recreational, cultural and community development and other Government services are accessible. 	<p>The land at Minmi proposed for residential development adjoins the existing township at Minmi. It is considered to be an appropriate extension of the existing township and is in proximity to an existing range of services and facilities at Minmi, Edgeworth and Maryland, including shops, schools, sporting and recreation facilities, and childcare.</p> <p>In addition, contributions will be made to improve local and regional infrastructure.</p>

3.5 State or Regional Policies

A detailed assessment of the proposed development of Minmi/Link Road against all relevant Environmental Planning Instruments is provided in Environmental Assessment for the site Concept Plan.

3.5.1 Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) is the key planning policy to guide the growth in the Lower Hunter to 2031 by identifying future development areas, principal land use types, settlement patterns and conservation outcomes. It is the principal document upon which Environmental Planning Instruments and major land use and development decisions should be based.

The NSWG released the final LHRS on 17 October 2006. It is understood that Cabinet re-endorsed it in December 2009. The LHRS plans for population growth of 160,000 people by the year 2031.

The LHRS identifies the Minmi/Link Road and Stockrington site for proposed urban development and proposed conservation land dedications. The proposal is entirely consistent with the LHRS.

The Minmi/Link Road and Stockrington site is one of the four Coal & Allied sites in the northern and southern lands proposed for residential development which will assist in achieving the forecast growth in the Lower Hunter. Whilst geographically separate they will make a significant contribution to the overall growth of the Lower Hunter region.

The securing, protection and management of conservation corridors is a key focus of both the LHRS and the companion Lower Hunter Regional Conservation Plan. The proposed development of 520ha of land at Minmi/Link Road and proposed dedication of 1,561Ha (excludes 305 ha biodiversity offset land to be transferred to RTA) and then to the DECCW) of land at Minmi/Link Road and Stockrington is crucial in achieving the State Government's objective of securing major conservation corridors identified in the LHRS, most notably the Watagan to Stockton Green Corridor. The proposed development of the Minmi/Link Road and Stockrington site and proposed substantial land dedication is an integral element of the LHRS.

3.5.2 Lower Hunter Regional Conservation Plan

The NSWG released the Lower Hunter Regional Conservation Plan (LHRCP) in December 2009. The plan is a key and complimentary component of the Lower Hunter Regional Strategy as it establishes the key principles and actions proposed to achieve the biodiversity and conservation outcomes that have been outlined in the LHRS.

The LHRCP is focused on the next 25 years and seeks to establish a framework to guide conservation efforts in the Lower Hunter. Stage 1 of the RCP was announced in late 2006. This included the establishment of new conservation reserves to be managed by the then Department of Environment and Climate Change (DECC, now DECCW).

These new reserves comprise approximately 20,000 hectares of various high conservation value Government lands to form the backbone of major new conservation corridors including:

- A new 'Green Corridor' stretching from the Watagan Ranges, through Hexham Swamp to Port Stephens (approximately 14,600 hectares);
- Important areas around Port Stephens in the Karuah area (3,000 hectares);
- A large addition to Werakata National Park near Cessnock (2,200 hectares).

These public land transfers are a significant step in creating the necessary conservation outcomes for the Lower Hunter, including important linkages for biodiversity. Future proposed developments in the Lower Hunter will be assessed against current legislation.

Priority for offsets will be in areas that make the most significant conservation contribution in the Lower Hunter. Such freehold land will contribute to the creation of the three priority corridors within:

- The Watagan Ranges to Port Stephens;
- The South Wallarah Peninsula;
- Werakata National Park.

Coal & Allied's surplus 'Northern Lands', including Minmi/Link Road and Stockrington are located within the area identified in the Draft Conservation Plan as a green conservation corridor. The proposed dedication of the Stockrington site will make a significant contribution to the Watagan Ranges to Port Stephens Green Corridor.

Relative to the LHRCP, the Minmi/Link Road and Stockrington proposal and the overall development of the Coal & Allied lands in the Lower Hunter will provide the following benefits:

- The future development of Coal & Allied land will be more than offset through the dedication of 2,956ha over all Coal & Allied lands in the Lower Hunter. This includes the 2,106ha of land for the Northern Estates and the 1,561ha of land specifically at Minmi/Link Road and Stockrington;
- The dedication will make a significant contribution to expanding and strengthening the value of key corridor linkages.

The LHRCP provides a focus for conservation efforts by 2031 by identifying priority biodiversity areas in the Lower Hunter. The conservation land to be dedicated to the NSWG will provide and enhance vitally important conservation corridors identified in the LHRCP.

The securing, protection and management of conservation corridors is a key focus of the LHRCP. The proposed dedication of Stockrington for conservation purposes as an offset for the proposed development at Minmi/Link Road is crucial in achieving the state government's objective of the green conservation corridor that links the Watagans and Yengo National Parks with the coastal plains of the Tomago Sandbeds, Stockton Bight and Port Stephens.

4 The Implications for Land Use, Infrastructure, Service Delivery and Natural Resource Planning

The implications (including the cumulative impacts) of any proposed land use for local and regional infrastructure, social infrastructure, service delivery and natural resource planning are considered below in detail.

4.1 Land Use Implications

As recognised in the relevant Regional Strategies, the site is of significance to the region and indeed the State in terms of the provision of residential (and associated non-residential uses) as well as environmental land provision.

The Minmi/Link Road and Stockrington site has been recognised for its regional significance to the Lower Hunter Region based on its inclusion in the LHRS for proposed urban development and in the LHRCP for proposed conservation land dedications. The proposal is entirely consistent with the LHRS and LHRCP.

It is important to note that the total Concept Plan is a long term direction for the lands and will take some time to implement, with lots being incrementally released to the market over time. This will allow the established market to gradually absorb the impact of the additional land supply.

The Concept Plan is as a result of extensive constraints and capacity mapping. The proposal seeks additional urban development to lands that have the capacity and do not result in any undue environmental impact.

4.2 Infrastructure and Service Delivery

The existing infrastructure servicing the Minmi/Link Road estate includes:

- Drainage – The watercourses draining the Minmi and Link Road North sites eventually discharge into Hexham Swamp Wetland to the north, while Link Road South drains southward into Brush Creek which eventually flows into Cockle Creek at the Waratah Golf Club;
- Water – reticulated potable water supply is available to the existing developed area;
- Sewer – Existing developed areas of Minmi drain to the Shortland Sewage Treatment Plant (STP);
- Energy – Electrical supply is available to the area from the zone substation at Marylands. Overland electricity transmission lines traverse the Link Road south site within two easements 60m and 30m wide;
- Gas – The nearest gas mains are located at Woodford Street, Minmi, and at the corner of Minmi Road and Northlakes Drive;
- Telecommunications – Telstra standard telephone service is available to the existing developed areas. There are existing copper cables within the development site which will require relocation. The site has good mobile coverage. The National Broadband Network (NBN), as announced by the Federal Government is committed to the provision of fibre optic telecommunications to 90% of existing Australian dwellings over the next 8 years;
- Transport Access – The Newcastle interchange is located 800m to the northwest of the intersection of Newcastle Link Road and Woodford Street, just to the south of the Minmi/Link Road estate. The site can be divided into three areas to consider transport access: Minmi; Link Road North; and Link Road South;
 - Minmi can be accessed from the north via Lenaghans Drive, from the south via Newcastle Link Road, and from the east via Minmi Road;

- Access to the Link Road North site can be obtained via Newcastle Link Road, Woodford Street and Minmi Road (at Edgeworth). Currently, access is restricted from Newcastle Link Road;
- Link Road South is located directly adjacent to an existing residential area at Cameron Park. Minmi Road (at Edgeworth) can provide direct access to the proposed Southern site.
- Transport Services – A limited private bus service operates between Minmi and Wallsend via Fletcher and Maryland with seven services to Wallsend on weekdays with the last around 4.30pm, and eight services from Wallsend on weekdays finishing around 8pm. There are three services to and from Wallsend per day on weekends;
- Social Infrastructure – Minmi has limited existing social infrastructure:
 - Education – Minmi contains a small primary school with approximately 110 students and 5 permanent teachers. There is no preschool or high school, with the closest high school being West Wallsend High School;
 - Health – there is no General Practitioner or Hospital in Minmi. The closest Hospital is John Hunter Hospital in New Lambton;
 - Child Care – There are no child care facilities in Minmi, with the closest being in Wallsend;
 - Recreation – There are two parks including one with sporting fields and amenities. Both parks contain children’s playground equipment;
 - Emergency Services – Minmi has a rural fire station situated at the northern entry to Minmi. The closest ambulance stations to Minmi are located in Beresfield and Boolaroo;
 - Aged Care – No aged care facilities currently exist in Minmi, with the nearest location in Wallsend;
 - Retail – Minmi has limited retail facilities, including a general store / newsagency, hotel, liquor outlet and restaurant.

The proposed development at Minmi/Link Road can be accommodated within the existing infrastructure capacity and planned augmentation financed by the proponents noting that:

- No significant service delivery problems have been identified;
- The future development of the site will be appropriately serviced with water and sewer infrastructure by lead-in works, upgrades and major infrastructure;
- Servicing Strategies will be prepared in consultation with Hunter Water after approval of future applications for each stage;
- The new Cameron Park zone substation will augment existing electrical supply to the development when the existing supply is exhausted;
- Gas mains, Telstra cabling and electricity supply will be provided to each development stage through shared trench arrangements;
- Contributions will be made (via monetary contribution or works in kind) to improve local and regional infrastructure as part of any development of the site. A Draft Statement of Commitments is included in the Concept Plan Environmental Assessment submitted for the site. This details the various contributions, and works the proponent commits to undertake in association with the project.

4.3 Natural Resource Planning

4.3.1 Agriculture

None of the subject land is zoned for agricultural purposes.

4.3.2 Previous and Future Mining

The site has been subject to extensive open cut and underground mining. Constraints mapping has been provided to assist in urban design of the proposed development, and details of investigation and analyses have been provided for consideration of the proposed development by the Mine Subsidence Board. The final development restrictions applied by the MSB may vary from these and formal application will be made to the MSB at the Development Application/Major Project Application stage to confirm requirements.

The constraints are summarised below for each area of the site:

Minmi North

- Minmi North has no mapped workings and is expected to be free of Mine Subsidence Constraints.

Minmi West

- Minmi West contains a range of constraints.
- The northern parts of the area have no known mine workings, however does contain filling from previous mining operations to the south;
- The former Purple Hill Open Cut mine is located on the central parts of the site and contains significant filling within and to the north of the mine. Shallow unmapped workings to the north of the former open cut mine are possible, however unlikely;
- High pothole risk zone on the central parts of the area to the south of the former open cut pit;
- Low pothole risk zone on the southern central parts of the area;
- Limited Subsidence is expected on the southern parts of the area;
- A number of capped shafts have been located in this area.

Minmi East

- Former open cut mine on western parts of area;
- Low pothole risk to north of former open cut mine and High pothole risk to the south;
- Former open cut mine on eastern part of site containing filling which will need to be re-compacted;
- High subsidence risk within the former open cut mine due to underlying Borehole Seam workings;
- High pothole risk and numerous shafts surrounding the open cut mine on eastern part of site.

Minmi South

- Former Back Creek open cut mine on north east boundary of area;
- High pothole risk adjacent to former open cut mine in north east part of area;
- Pothole risk in gully running down central northern parts of the area;
- Strip of low pothole risk;

- The north western parts of the site are mapped as limited subsidence (two storey brick veneer or equivalent) based on the low likelihood of pillar failure. The magnitude of subsidence in the unlikely case of pillar failure would be high and if the MSB require a 'no risk' profile then this area would need to be re-mapped as High Subsidence;
- The mid and eastern parts of the area are mapped as High subsidence risk (specialised single storey clad construction);
- The southern parts of the this area are mapped as moderate subsidence risk (one storey brick veneer or equivalent);
- This area contains several capped shafts.

Link Road North

- The northern parts of the area are mapped as High subsidence risk (specialised single storey clad construction);
- The southern parts of this area are mapped as Moderate subsidence risk (one storey brick veneer or equivalent);
- This area contains several capped shafts.

Link Road South

- The northern parts of this area are mapped as Moderate subsidence risk (one storey brick veneer or equivalent);
- The southern parts of the area are mapped as Limited subsidence (two storey brick veneer or equivalent) generally based on the absence of mapped workings;
- There are some small zones mapped as High subsidence risk (specialised single storey clad construction) on the central parts of the site coinciding with remnant pillars in the Gretley workings.

The proposed development footprint has been determined by a number of site constraints, including the geotechnical constraints influenced by previous mining activities discussed above. Previous mining activities have also influenced the proposed built form, height and bulk as detailed in the Urban Design Guidelines included in Concept Plan Environmental Assessment report.

High risk pothole areas are required to be managed appropriately to reduce the risk to public safety. This may include fencing and/or signage in particular for high risk areas such as the creek and drainage lines or where the depth of cover is less than 15m. Pedestrian access to riparian corridors could still be maintained by constructing suitably designed boardwalks with appropriate fencing and footings designed to span a potential pothole. A plan of management is to be prepared for areas subject to shallow mining

Future mining at the site is unlikely but possible. Future mining at the site, if it occurred, may affect the standard guidelines outlined above. Restrictions on development due to future mining are provided by the DARZL committee and a formal application to the MSB is required for consideration by DARZL.

Monitoring of borehole gas concentrations was undertaken to assess the potential for future extraction of coal seam methane. The results indicated low concentrations of methane in some of the bores immediately following drilling, however subsequent monitoring indicated no measurable concentrations suggesting any methane which was present was limited and quickly dissipated. Therefore the site is not expected to be suitable for methane extraction from the former mine workings.

4.3.3 Bushfire

The Bushfire investigation and assessment of the Minmi Link Road site has determined that it constitutes 'Bushfire Prone Land'. Therefore, the proposed future development will have to be carried out in accordance with the specifications contained within 'Planning for Bushfire Protection' (RFS, 2006) as assessed and presented within the Bushfire Assessment submitted with the Environmental Assessment report.

Adequate APZs are proposed within the development site to protect from bushfire risk. Refer to the Bushfire Threat Assessment included in the Concept Plan Environmental Assessment report.

4.3.4 Contamination

A Preliminary Contamination and Geotechnical Assessment has been prepared by Douglas Partners and is included in the Concept Plan Environmental Assessment report. The contamination assessment by Douglas Partners was carried out in accordance with the NSW EPA "*Guidelines for Consultants Reporting on Contaminated Sites*" and SEPP 55 "*Remediation of Land*" and is contained within the Preliminary Contamination and Geotechnical Assessment report included in the Environmental Assessment Report.

Relative to the investigation precincts nominated in the Douglas Partners report the following contamination assessment identified the presence of:

- Lead and Benzo(a)pyrene at the southern extent of Minmi North;
- Deleterious surface material from opportunistic tipping along the north-south orientated central track that bisects Minmi East. Building rubble containing fibro sheeting was found north of the former Browns Colliery Open Cut in Minmi East;
- Metals, TRH, Benzo(a)pyrene and Total PAH in Minmi West in the areas of the former Pit C workshops, the former rail line and rail sidings and screens, and an area that appears to have been a former residential development at Pit 6. Asbestos in fibro sheet fragments and in soil filling was also found in Minmi West near the former screening building and in the former rail line to Duckenfield Colliery;
- Arsenic and lead on the site of a capped former shaft. Asbestos fragments identified on the surface of Pitt 144 in Minmi South;
- Asbestos fragments and fibres in soil at Pit 149 and 152 from opportunistic dumping of fill in Link Road North and South.

Overall, based on the results of the preliminary assessment the following works are required to enable the future residential development of Minmi:

- Site remediation will be required in Minmi West, concentrated on the workshops, rail lines and sidings/screens;
- Localised remedial works are expected in Minmi North, East and South, including cisterns or cesspits which can be expected in areas previously containing miners' cottages. Additional investigation is recommended across the site prior to development to provide additional delineation of affected areas.

A remedial action plan (RAP) for remediation works will be required to detail appropriate excavation and removal/disposal/capping or contaminated soil. This would be followed by validation sampling and analysis in accordance with SEPP 55 and NSW DECCW guidelines.

The site is considered to be generally suitable for residential development in accordance with SEPP 55 and NSW DECCW guidelines, providing that the following conditions are met:

- Remediation is undertaken to remove identified contaminants including asbestos fragments and asbestos impacted fill material, and areas of soil contamination;

- Deleterious materials and possible associated surface impact are removed;
- Further detailed assessment across the site prior to construction to confirm the location of localised contamination “hot spots”;
- Validation testing and verification through the NSW DECCW site auditor process is undertaken where required.

Other recommendations by Douglas Partners include:

- Additional waste classification testing to classify materials prior to disposal to a licensed facility;
- Validation of asbestos contamination should be conducted by a qualified asbestos consultant.

4.3.5 Water Sensitive Urban Design, Flooding and Stormwater Management

GHD have investigated a number of opportunities for management of stormwater quality, quantity and flooding at the Minmi and Link Road sites.

The proposal would benefit from the implementation of Water Sensitive Urban Design (WSUD) practices. WSUD encompasses all aspects of urban water cycle management including water supply, wastewater and stormwater management that promotes opportunities for linking water infrastructure, landscape design and the urban built form to minimize the impacts of development upon the water cycle and achieve sustainable outcomes.

A WSUD strategy for management of stormwater quality, quantity and flooding has been developed for the sites, that nominates on-lot treatment before discharge to the street stormwater system, vegetated swales and precinct scale co-located detention/ bio-retention basins at key locations. These systems would essentially comprise a dry basin (to provide detention function) combined with bio-retention (to provide water quality treatment function) situated in the invert of the basin. Gross pollutant traps and other structural measures are recommended at key locations. Rainwater tanks should be provided where possible.

Results of simulation studies for the 100-year future climate (2100), which allow for a 30% increase in rainfall intensity and volume indicate that in a 100-year ARI event, flood levels adjacent to the site are expected to increase by less than 0.3m in the upper reaches and 0.7m in the lower reaches where the creeks discharge to Hexham Swamp. While this does not cause a significant increase in flood extent, dwelling floor levels and flood planning levels would need to consider these impacts, and dwelling floor levels be located above these levels.

The areas of inundation relative to the 100-year ARI flood and the proposed Concept Plan structure are primarily associated with riparian corridors. In a few isolated areas in the northern precincts the 100-year ARI event extends into the development footprint. Minor filling of the flood fringe would be required to ensure roadways and lots remain flood free. Dwelling floor levels would need to consider these impacts and be located above these flood levels. It is recommended that proposed Flood Planning Levels be adopted that locate floor levels of dwellings with a freeboard of 500 mm above 100-year ARI flood levels.

Flood hazard impacts will be minimised by designing the capacity of both the overland flow paths and underground stormwater system to provide a level of service that minimises the flood risk; whilst a flood evacuation strategy would be provided for all areas inundated by the PMF.

A more detailed Floodplain Risk Management Study is recommended to be undertaken in future subdivision design stages of the project, supported by more detailed flood modelling and flood mapping.

Overall, numerical modelling was used to test the effectiveness of the proposed WSUD strategy and included consideration of flood peaks and flood levels for the creeks within the site. The results indicated that the proposed WSUD strategy together with the flood plain management adequately satisfies the requirements of the Newcastle City Council and Lake Macquarie City Council and the NSW Floodplain Development Manual for management of stormwater quantity, quality and flooding.

The 2m contour information used in the preparation of the Concept Plan was commissioned by Coal & Allied and is based on high resolution aerial photography. For this concept stage of the project, flooding based on 2m contour information is sufficient, in recognition of:

- The deeply incised creek corridors for most of the site;
- The rapidly rising land adjacent to floodplains;
- All other planning associated with the concept plans are based on the same information.

In some of the lower lying areas, minor filling maybe required on the edge of the flood plain. Flood mapping is provided in the Environmental Assessment Report which should be read in conjunction with the following extraction from the GHD report:

“At the site the majority of lots are located above the 100-year existing climate and 2100-climate change flood levels. For flood management, floor levels of dwellings should be above the flood planning level (500 mm above the 100-year ARI event flood levels). A minor affectation of internal roads and lots in isolated areas is expected. In a few isolated areas in the northern precincts the 100-year ARI event extends into the development footprint. In these locations, minor filling of the flood fringe would be required to ensure roadways and lots remain flood free. In addition, in a number of locations, minor tributaries, would be incorporated in the development footprint as part of the stormwater system. In these cases, the capacity of both the overland flow paths and underground stormwater system will be designed to provide a level of service that minimises the flood hazard. A flood evacuation strategy would be provided for all areas inundated by the Probable Maximum Flood”.



5 The Means by which Developer Contributions should be Secured in Respect of the Site

A Draft Statement of Commitments is included in the Concept Plan Environmental Assessment submitted for the site. This details the various contributions, additional studies, applications and works the proponent commits to undertake in association with the project. The mechanics of how and when these commitments will be confirmed and delivered will be subject to ongoing consultation. This will involve the implementation of various VPAs with State and Local Government prior to final approval of a construction certificate for subdivision under s93F of the EP&A Act.

A Draft Voluntary Planning Agreement has been negotiated with the NSW Government (NSWG) which includes details of developer contributions to the NSWG. Local developer contributions will be negotiated with Newcastle City Council (NCC) and Lake Macquarie City Council (LMCC) based on the applicable Section 94 Plans.



6 The Local and Regional Economic Impacts of the Proposed Development

An Economic Impact Assessment has been prepared by Sphere to support the Concept Plan for the site. This report concludes that the proposed development of Minmi/Link Road will result in the following economic impacts:

- Injection of an estimated \$839,656,600 of new, capital investment into the economy from expenditure on housing, commercial and retail space plus infrastructure services both internal and external to the site including road, energy services, water, sewer and communication works (2008 dollar terms).
- Create an estimated 3,555 direct, full time equivalent jobs of which up to half are expected to be in the Hunter and will extend over a 20 year period to 2030.
- Support a further 9,904 jobs (up to half local) over the project life resulting from the multiplied employment stimulus among construction related industries flowing on from the primary expenditure.
- Provide additional flow-on economic effects over 20 years of around \$1,215 million from expenditure by recipients of the primary income.
- Create a project that demonstrates a net, direct benefit to the economy from a forecast BCR of 1.28 using NSW Treasury methodology.



7 State Government's Regional Strategies and the Newcastle – Lake Macquarie Western Corridor Planning Strategy

Identified as regionally significant under the LHRS, the Western Corridor stretches from Beresfield to Killingworth, and has land in both Newcastle and Lake Macquarie Local Government Areas, including the Minmi/Link Road estate. The Newcastle – Lake Macquarie Western Corridor Planning Strategy (Western Corridor Strategy) provides a framework to guide growth and development in the Western Corridor over the next 25 years.

Under the LHRS, 115,000 new dwellings and 66,000 new jobs are to be accommodated in the Lower Hunter Region by 2031 and the Western Corridor is expected to play a significant role in achieving these targets. The Western Corridor Strategy identifies future employment lands in the Corridor's far north and south, whilst residential development will be concentrated around existing urban areas in the centre. For residential development, the Western Corridor Strategy specifies a yield of between 5 and 9 dwellings per hectare, lower than that determined in the LHRS due to the various environmental constraints of the area. With a projected yield of 6.4 dwelling per hectare, Coal & Allied's Minmi/Link Road estate will meet this target comfortably.

The Coal & Allied proposal for Minmi/Link Road & Stockrington is consistent with the strategy and the amended Planning Principles in the Western Corridor Strategy as demonstrated in the table below:

Table 2 –Western Corridor Development Criteria and Planning Principles Assessment

Principle	Relevant Development criteria	Response
A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space	<ul style="list-style-type: none"> ▪ Future land use shall be generally in accordance with Map 4—Indicative preferred land uses. ▪ New development shall incorporate environmentally sustainable development practices in accordance with existing legislation, councils' policies and best practice. Consultation and negotiations with the DECC at rezoning stage will determine the vegetation offsets for conservation. ▪ New development shall also consider the implications of climate change in their designs and function such as rainfall intensity, localised flooding, rising ▪ Detailed assessments will determine the required attenuation measures for future residential areas adjoining main roads, employment lands and other noise sources. The F3 Freeway, other Main Roads, future rail corridors and employment lands have the potential to create noise and vibration issues for future residential development. ▪ State Environmental Planning Policy (Infrastructure) 2007 provides specific noise and vibration requirements for residential developments adjoining classified roads and rail corridors. ▪ Detailed acoustic and odour assessments will determine the required setback/buffers to the existing Summer Hill Waste Management Facility and nearby mining operations. To expand the Summer Hill Waste Management Facility it will be necessary to assess the potential noise and odour impacts. It will be necessary to maintain an acceptable level of amenity to residential areas. 	<p>The Concept Plan for Minmi/Link Road is in accordance with the Indicative preferred land use map in the Strategy, as the proposed residential and conservation areas mirror the 'residential investigation' and conservation areas.</p> <p>The Concept Plan has been prepared having regard to the relevant detailed investigations in this Environmental Assessment with regard to:</p> <ul style="list-style-type: none"> ▪ The impact of the proposed F32B road extension; ▪ Acoustics and odour assessment; ▪ Flooding and climate change; ▪ ESD and sustainability. <p>The land Coal & Allied is proposing to dedicate for community services in the centre of the estate in the Village Centre, is a flatter area of the estate and will become a new activity hub for the area.</p> <p>On other flatter areas of the estate, school facilities and playing fields are proposed. The land identified for the future expansion of the existing school and playing fields are located in close proximity to the existing Minmi Township.</p> <p>An acoustic and air assessment has been undertaken and forms part of the Environmental Assessment documentation.</p>

Principle	Relevant Development criteria	Response
Jobs available locally and regionally, reducing the demand for transport services	<ul style="list-style-type: none"> ▪ Future provision of business/commercial zoned land to be based on demands for local retail/service needs of the projected population, level of existing services and retail hierarchy. ▪ The role of existing and future centres such as Glendale, Pambulong/Edgeworth, West Wallsend and Wallsend are to be considered when determining capacity – particularly for regional scale demands. 	<p>The Concept Plan supports this principle through:</p> <ul style="list-style-type: none"> ▪ The provision of up to 3,300 new dwellings at Minmi/Link Road will play an important role in providing increased housing opportunities for workers in the planned employment lands and centres. ▪ Existing/proposed centres within the region will assist in providing a full range of retail and commercial services for Minmi/Link Road residents, supported provision of a Village Centre which is located in the centre of the estate, and will be a new activity hub for the area. ▪ A neighbourhood structure with the majority of dwellings within walking distance of daily needs and close to a public transport route; ▪ Enhancement of the economic vitality of the existing township through provision of complementary retail uses to enhance the economic vitality of Minmi.
Public transport networks that link frequent buses into the rail system	<ul style="list-style-type: none"> ▪ The establishment of a more coordinated and integrated bus service with the wider area to improve connectivity and usage on the subregional scale. A further 8000 dwellings will generate the need to expand the existing bus service to link existing and future employment areas, schools and other activity nodes. ▪ The future road network shall be planned and designed to cater for future bus routes and stops. Consultation with the Ministry of Transport will be necessary to plan these connections. 	<p>A public transport strategy is proposed in the Hyder traffic report included in the Concept Plan EA that entails providing new bus routes and enhancing existing bus services.</p>
Easy access to major town centres with a full range of shops, recreational facilities, and services along with smaller village centres and neighbourhood shops. Streets and suburbs planned so that residents can walk to shops for their daily needs.	<ul style="list-style-type: none"> ▪ Direct access off the major transport corridors such as the F3 Freeway, Newcastle Link Road and George Booth Drive will be limited to maintain the efficiency of the transport network. ▪ New interchange opportunities in the south of the western corridor to access the employment lands has been identified. ▪ Consultation with the RTA for development within the western corridor is essential. Access proposals shall be consistent with Map 3— Access infrastructure map and utilise existing intersections and limit new intersection points. ▪ Priority shall be given to the co-location and/or focus of State agency buildings (e.g. schools, emergency services) in central locations to assist in developing community hubs and a strong sense of place for emerging areas. ▪ Priority shall be given to the co-location and/or focus of State agency buildings (e.g. schools, emergency services) in central locations to assist in developing community hubs and a strong sense of place for emerging areas. ▪ High order land uses (proposed community services such as schools, community buildings, emergency services and playing fields) shall be given priority over residential 	<p>The proposal incorporates sound neighbourhood planning principles as follows:</p> <ul style="list-style-type: none"> ▪ Provision of a Village Centre which is located in the centre of the estate, and will be a new activity hub for the area. ▪ The establishment of a neighbourhood structure with the majority of dwellings within walking distance of daily needs and close to a public transport route; ▪ The subdivision is designed to encourage walking and cycling through the provision of safe walkways and cycleways and a permeable network of streets and pathways. ▪ The Concept Plan has been designed to co-locate where possible community and other social facilities across the development. ▪ The provision of all retail and commercial land uses have been based on the demands of the projected population.

Principle	Relevant Development criteria	Response
	<p>development for the use of the flatter land.</p> <ul style="list-style-type: none"> ▪ Future provision of business/commercial zoned land to be based on demands for local retail/service needs of the projected population, level of existing services and retail hierarchy. ▪ High order land uses (proposed community services such as schools, community buildings, emergency services and playing fields) shall be given priority over residential development for the use of the flatter land. ▪ A regional cycle path route has been identified on Map 3—Access infrastructure map and appropriate connections shall be implemented by councils. 	
<p>A wide range of housing choices to provide for different needs and different incomes. Traditional houses on individual blocks will be available along with smaller, lower maintenance homes, units and terraces for older people and young singles or couples.</p>	<ul style="list-style-type: none"> ▪ It is projected that it will be possible to achieve a density between five and nine dwellings per hectare for the estimated yield of around 8000 dwellings due to site constraints such as mine subsidence, slope and vegetation. These estimates take into consideration potential infill development, the renewal corridor along Main Road Edgeworth and housing mix. ▪ New zoning regimes and density controls should allow for a range of housing types. Higher densities closer to transport, employment areas and other activity nodes are encouraged. ▪ Urban development will need to respect the heritage character of Minmi and other localities and be sympathetic to the listed heritage items by complying with relevant heritage design requirements. Items or places/areas of local or State heritage significance will be identified by council's LEP and the State Heritage Register respectively. 	<p>The Concept Plan promotes:</p> <ul style="list-style-type: none"> ▪ Enhancement of the existing demographic diversity by providing a range of housing requirements to cater for singles to young couples, families, and retirees to allow population to remain in the local community; ▪ A projected yield of 6.4 dwellings per hectare. <p>Assessment of the European heritage significance of the Minmi / Link Road estate relative to the proposed Concept Plan has been undertaken by ERM and is contained within the Concept Plan EA Heritage Impact Assessment.</p> <p>It is assessed that the Concept Plan will result in some impact to assessed heritage values, the cultural landscape and some heritage sites. However, the analysis by ERM identifies that the Concept Plan design accommodates for the conservation and interpretation of the most important local heritage items and landscapes to preserve the overall heritage values of the Minmi. Furthermore, the proposed Concept Plan protects the scale and character of housing within the Minmi Village Catchment.</p>
<p>Conservation of land in and around the development sites, to help protect biodiversity and provide open space for recreation</p>	<ul style="list-style-type: none"> ▪ Regional conservation lands—the Lower Hunter Regional Strategy and the Lower Hunter Regional Conservation Plan identify the Watagan to Stockton green corridor. These regionally significant conservation lands are identified in the maps and principles within this document. ▪ Subregional/local conservation corridors—subregional corridors (as shown on Map 2) linking the Watagans to other significant vegetation may be required in the southern part of the western corridor. The need to balance the importance of establishing urban areas identified in the Lower Hunter Regional Strategy with establishing subregional conservation corridors will need to be managed carefully. Environmental studies undertaken as part of the rezoning process will identify other subregional and local conservation areas and corridors. 	<p>It is proposed to provide a green corridor along the southern side of the Link Road. This will ensure that a green corridor is maintained along the southern sides of the Link Road. Most importantly a green corridor is provided along the ridge line of Link Road North. This corridor includes land of high Aboriginal archaeological potential, which will therefore be conserved for the future.</p> <p>Overall, it must be recognised that the Coal & Allied Concept contributes to the important Watagan Stockton conservation corridor and entails a broader and regional approach to the provision of wildlife corridors. The Watagan Ranges to Port Stephens conservation area is identified in the LHRCP to be a “highly significant link between southern sandstone ranges and the coastal heaths and wetlands of Port Stephens.” The large areas of Stockrington that will be set aside for</p>

Principle	Relevant Development criteria	Response
	<ul style="list-style-type: none"> <li data-bbox="379 315 908 696">▪ Green entry statements—the role of 'green entry' visual statements into areas or along certain transport routes is recognised. The need to provide a green entry statement along the F3 from the south (Killingworth) to Black Hill for the proposed employment zones and the importance of retaining the visual landscape corridor from the F3 toward Hexham Swamp is also recognised. The Newcastle Link Road and George Booth Drive provide important green entry statements into the city of Newcastle. The character of these entry statements should be retained as much as possible. 	<p data-bbox="917 315 1418 454">conservation as part of the development provide excellent ecological outcomes across the site. This large tract of native vegetation will provide protected habitat for a wide variety of native flora and fauna.</p> <p data-bbox="917 461 1418 651">Due to the dedication of much larger tracts of vegetation within strategic regional corridors, the nature of existing and proposed vegetation corridors along Link Road should not significantly impact upon threatened or regionally significant flora and fauna, ecological communities or populations.</p>

8 Recommended Land Uses and Development Controls for the Site

The proposed zones have been based upon the Department of Planning's recently gazetted Standard Instrument—Principal Local Environmental Plan.

The proposed zonings for the site are:

- Residential areas zoned R2 Low Density Residential Zone, with the following uses permissible with consent:
 - Advertisements, advertising structures, attached dwellings; bed and breakfast accommodation, car parking, child care centres; community facilities; dwelling houses; environmental facilities, filming, food and drink premises (not exceeding floor space 200sqm), group homes; health consulting rooms (not exceeding floor space 200sqm), home based child care of family day care homes, home business, home industries, information and education facilities, multi dwelling housing; neighbourhood shops; places of public worship; recreation areas, recreation facilities (outdoor); residential care facilities; schools, seniors housing; semi detached dwellings, signage, takeaway food premises (not exceeding floor space 200sqm)
- Village centres in Minmi East Precinct and Minmi Village Centre Precinct zoned B2 Local Centre, with the following uses permissible with consent:
 - Advertisements, advertising structures, business premises; car parks, child care centres; community facilities; entertainment facilities; environmental facilities, filming, food and drink premises, function centres; funeral chapels, funeral homes, health consulting rooms, home business, hotel or motel accommodation; information and education facilities; kiosks, markets, medical centres, mixed use development, neighbourhood shops, office premises; passenger transport facilities; places of public worship, public administration buildings, pub, recreation area, recreation facilities (indoor); recreation facilities (outdoor), registered clubs; residential flat buildings, restaurants, retail premises; schools, seniors housing; service stations, shop top housing, signage, take away food and drink premises, tourist and visitor accommodation, veterinary hospitals.
- Stockrington and the northern tip of Minmi to be zoned E1 National Parks and Nature Reserves. This land is proposed to be dedicated to the NSWG.

This zoning is proposed for the following reasons:

- Given the overall low density charter of the development estate, a R2 Low Density Residential Zone can be adopted for the residential areas;
- It is proposed to zone roads, open space and the riparian corridors within the site as Residential R2 Low Density Residential but allow for roads, recreation areas and facilities to be permissible uses. Future detailed subdivision planning will entail finalisation of the lot layout, road layout and the positioning of park boundaries and therefore flexibility within the zoning of the site is required at this stage;
- There is potential for an E2 zone to cover riparian corridor and RE1 Public Recreation to cover open space in the future once final subdivision alignments are know;
- The most appropriate zone for the village centres of Minmi East Precinct and Village Centre Precinct is B2 Local Centre. The draft Centres Policy states that:

“Local centres should be zoned either B2 (Local Centre) or B4 (Mixed Use). The choice will depend on the demand and supply of retail and commercial floor space and the interaction with the demand and supply for residential development. A local centre will be expected to have low traffic impacts and could serve a largely walkable catchment and have retail that serves daily and weekly convenience shopping needs”.

- Given, that the Minmi/Link Road site will contain regional sporting facilities and is adjacent to the Blue Gum Hills Regional Park the two centres will have to cater for the needs of incoming visitors from surrounding areas and not just the needs of people who live or work in the surrounding neighbourhood. This is in keeping with the objectives of the B2 Local Centre Zone;
- The size of the proposed centres and mix of uses to meet the anticipated retail and consumer demand for additional retail and commercial services at Minmi is more in keeping with a Local Centre rather than a Neighbourhood Centre;
- The proposed centres at Minmi/Link Road will offer employment opportunities in accessible locations. This is keeping with the objectives of the Local Centre Zone;
- The centres are located on more heavily trafficked roads to assist with economic viability, but are also located to enable walkability of residents, central to the community. This is also in keeping with the objectives of the Local Centre Zone.

The justification for attached dwellings and multi unit housing within the proposed R2 Low Density Residential Zone is based on the following:

- There is an increasing demand for smaller lots. This is supported by the demographic studies submitted with the Concept Plan;
- These uses provide for increased housing choice across a large site, which caters for changing housing needs and affordability through the provision of a diversity of housing stock;
- The attached dwellings and multi unit housing will be a maximum 1 to 2 storeys in height and will not constitute medium density development;
- Assist in meeting the projected housing densities included in the Western Corridor Planning Strategy.

The draft Schedule 3 listing and zoning plan is included in **Appendix B**.

9 Those Parts of the Site which should be Subject to Part 4 of the EP&A Act

The Minister for Planning has already determined that the development proposal for the site is of State or regional environmental planning significance and that Part 3A of the Act applies. On 7 July 2010, the Minister declared the project to be a 'Major Development', for which he is the consent authority under Part 3A of the Act. No change is proposed to this regime.

The proposed approvals process for future development is set out below.

Future development	Process	Consent Authority
Residential development and other permissible development in the residential subdivision	<p>Major Development Application (Concept Plan/Project Application)</p> <ul style="list-style-type: none"> ▪ Part 3A if the development meets state significant development criteria <p>Local development</p> <ul style="list-style-type: none"> ▪ Part 4 Complying development – if it meets the Complying Development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. <p>Local Development</p> <ul style="list-style-type: none"> ▪ Part 4 Development consent – if the development does not meet the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. 	<ul style="list-style-type: none"> ▪ Minister for Planning/Planning Assessment Commission ▪ Accredited Certifier ▪ The relevant Council or Joint Regional Planning Panel depending on threshold.

If the Minister determines under Section 75P(1) of the Act that future stages of the project will be assessed under the provisions of Part 4, then it is considered appropriate for the following to occur:

- Determination of any future development application should be generally consistent with the terms of approval of the Concept Plan and the associated Statement of Commitments;
- The future stages of the project are not to be considered as integrated development;
- The assessment of the future development applications is to be undertaken in accordance with the requirements determined by the Minister when approving the Concept Plan.

The provisions of any environmental planning instruments that prohibit or restrict the carrying out of the project or stage of the project do not have effect if the Minister so directs.

10 Appropriate Arrangements (if relevant) for the Management of Land for Open Space Purposes

Public open space or recreational areas, including riparian corridors and community infrastructure created through each subdivision will be developed and then dedicated to the relevant council after the completion of each stage of the development or 5 years – whichever comes later. All local road reserves to be constructed will be dedicated to the relevant road authority.

A land acquisition clause has been included in the draft Schedule 3 listing under **Appendix B**. It has been based upon the Department's recently gazetted Standard Instrument—Principal Local Environmental Plan.



11 SEPP Major Development – Clauses 2 and 8

With regard to SEPP Major Development itself, the aims of the SEPP stated at Clause 2 are:

(a) to identify development to which the development assessment and approval process under Part 3A of the Act applies,

(b) to identify any such development that is a critical infrastructure project for the purposes of Part 3A of the Act,

(c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State

(d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes,

(e) to rationalise and clarify the provisions making the Minister the approval authority for development and sites of State significance, and to keep those provisions under review so that the approval process is devolved to councils when State planning objectives have been achieved.

In respect to these matters:

- Regardless of whether the project is listed under Schedule 3 (pursuant to Clause 7 of the Major Development SEPP), the proposal for Minmi/Link Road and Stockrington is a Major Development to which Part 3A of the EP&A Act applies pursuant to clause 75B(1) of the Act. Under section 75B(1)(b), development may be declared by a Ministerial Order to be a project to which Part 3A applies. This is on the basis that the Minmi/Link Road and Stockrington proposal is essential to ensure the delivery of environmental gain. In particular, the proposed dedication of 1,561ha, including Stockrington site (1,544ha) and 17ha of the Minmi site to the NSWG as 'conservation lands' provides a significant and important contribution to the vitally important Watagan-Stockton Conservation Corridor as identified in the LHRS and the companion LHRCP. It will also enable NSWG to develop a coordinated framework to ensure that the overall Coal & Allied conservation dedications in the Lower Hunter be achieved in a timely, effective and efficient manner;
- As discussed, Minmi/Link Road and Stockrington form an important part of an environmental land dedication for the Lower Hunter and Central Coast by Coal & Allied which spans four local government areas. Given the complexities of the environmental land offset package and in order for Government to effectively manage and achieve the land transfers, all of the Coal & Allied sites need to be considered in a coordinated manner as Major Development. For the reasons outlined, the proposals for each of the three sites clearly meets the criteria as being of State and regional planning significance;
- The project has recently been declared by the Minister to be a Major Development;
- Schedule 3 listing of the site will facilitate the orderly use, development and conservation of regionally important sites of environmental and social significance to the state;
- Schedule 3 listing will provide clarity as to which future applications will be determined by Council and which will be determined by the Minister for Planning.

Clause 8 of SEPP Major Development provides that the Minister may initiate an investigation into whether development on a particular site should be declared to be a project to which Part 3A of the Act applies, and the appropriate development controls for the site. It also requires that any such study is to assess:

- (a) the State or regional planning significance of the site, and*
- (b) the suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any State or regional planning strategy, and*
- (c) the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning, and*
- (d) any other matters required by the Director-General.*

These matters were incorporated into the request by the Minister to the Director-General, and have been addressed above. However, we note that Clause 8 is explicit that it does not preclude an amendment of Schedule 3 without compliance with this clause.

In view of the above consideration of the matters that the Minister has requested the Director General to consider, in our opinion listing of the site on Schedule 3 of the Major Development SEPP will facilitate the orderly use, development and conservation of a regionally important site of environmental and social significance to the state.

12 Conclusion

The Minmi/Link Road and Stockrington proposal will achieve substantial conservation outcomes through the proposed dedication of 1,561Ha of Coal & Allied land at Minmi and Stockrington in the Lower Hunter to the NSWG.

It is proposed to dedicate Stockrington (1,544Ha) and 17ha of Minmi for inclusion in the important Watagan Stockton conservation corridor and development of 520 ha of Minmi/Link Road. This is a significant opportunity for the Government to secure valuable conservation corridor links in public ownership for future generations.

It is noted that approximately 70% of the Stockrington site is currently zoned for rural purposes, which Coal & Allied is proposing to rezone for conservation purposes. Thus, although this land has been recognised as providing a conservation corridor, its current zoning under Cessnock LEP 1989 does not reflect this. In this regard it is important to note that whilst the land remains in private ownership and is zoned 1(a) Rural "A" Zone the potential exists for it to be used or developed for purposes other than conservation. The proposed State Significant Site listing for Stockrington will facilitate the rezoning of the land to E1 – National Parks and Nature Reserves, the highest level of conservation zoning available under the *Standard Instrument (Local Environmental Plans) Order 2006*.

The sites are considered to meet the criteria for a State Significant Site both as individual parcels and as an integral part of the overall Coal & Allied land package that will achieve substantial conservation outcomes through land dedication via a series of VPAs in accordance with S93F of the EP&A Act.

Other matters of relevance are:

- The sites are of regional importance with the proposed dedication of 1,561 ha of conservation land to include as a significant part of the vitally important component of the Watagan Ranges to Hexham Swamp conservation corridor. This environmental gain is a once in a generation opportunity that will provide an enduring legacy for the community;
- Alternative planning consent arrangements are necessary because the Minmi/Link Road estate also forms an important part of an environmental land offset package for the Lower Hunter by Coal & Allied which spans four local government areas. Separate consent arrangements are unlikely to enable an appropriate conservation and land use framework to be achieved in a timely, effective and efficient manner;
- The proposal will ensure the protection of areas of aboriginal cultural significance and past mining heritage;
- The proposal will ensure the protection of riparian zones; and
- The proposal will ensure the provision of housing to help achieve the Lower Hunter Regional Strategy dwelling targets to cater for the predicted population growth for the Region to 2031.

In summary, the listing of the site on Schedule 3 of the Major Development SEPP will facilitate the orderly use, development and conservation of a regionally important site of environmental and social significance to the State. We therefore request that the Minister include the attached listing of the site in Schedule 3 of the Major Development SEPP.



Appendix A Letter from the Minister



Contact: Anna Johnston
Phone: 02 9228 6329
Fax: 02 9228 6570
Email: anna.johnston@planning.nsw.gov.au

Mr Keith Dedden
Coal & Allied Industries Limited
Level 3, West Tower
410 Ann Street
BRISBANE QLD 4000

16 August 2010

Dear Mr Dedden

Subject: Coal & Allied Northern Estates – Minmi, Newcastle Link Road Residential Development

I refer to your letter dated 15 June 2010 which included a request that, should the Minister agree to consider the proposed development at Minmi, Newcastle Link Road under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act), that the Director-General's environmental assessment requirements (DGRs) be issued for the concept plan.

As previously advised the Minister for Planning, on 7 July 2010 declared that development at Minmi, Newcastle Link Road is subject to Part 3A of the Act, and authorised submission of a concept plan. Accordingly, please find attached DGRs for the concept plan.

The DGRs have been prepared in consultation with relevant Government agencies, and to assist you in the preparation of your environmental assessment, copies of their comments are attached.

As you are aware the Minister also declared the Minmi, Newcastle Link Road site as a potential State significant site (SSS). In doing so the Minister requested, in accordance with clause 8 of the *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP), that the Director-General make arrangements for a SSS study to be undertaken (by Coal & Allied) that will assess:

- (a) the State or regional planning significance of the site, (having regard to the Guideline for SSSs under the Major Development SEPP);
- (b) the suitability of the site for any proposed land use taking into consideration environmental, social or economic factors, the principles of ecologically sustainable development and any State or regional planning strategy;
- (c) the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning;
- (d) the means by which developer contributions should be secured in respect of the site;
- (e) the local and regional economic impacts of the proposed development;
- (f) the likelihood of the proposed rezoning for residential purposes achieving the desired outcomes of the State Government's regional strategies and the *Western Corridor Planning Strategy* (2010);
- (g) the recommended land uses and development controls for the site that should be included in Schedule 3;
- (h) those parts of the site which should be subject to Part 4 of the Act, with the relevant council as the consent authority; and

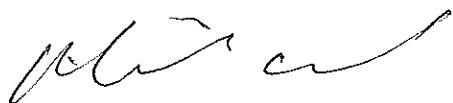
- (i) appropriate arrangements (if relevant) for the management of land for open space purposes.

The *Western Corridor Planning Strategy* is currently being finalised for publication and a copy will be provided to you shortly.

You should now proceed to prepare your environmental assessment for the concept plan, and SSS study for Minmi, Newcastle Link Road. Once these are submitted to the Department they will be assessed for adequacy against the DGRs and SSS study requirements.

In the meantime, should you have any queries, please contact Anna Johnston on 02 9228 6329 or by email to anna.johnston@planning.nsw.gov.au.

Yours sincerely



19 AUG 2010

Michael File
Director, Strategic Assessment



Planning

Contact: Anna Johnston
Phone: 02 9228 6329
Fax: 02 9228 6570
Email: anna.johnston@planning.nsw.gov.au

Mr Keith Dedden
General Manager Property Development
Coal & Allied Industries Limited
Level 3, West Tower
410 Ann Street
BRISBANE QLD 4000

21 July 2010

Dear Mr Dedden

Subject: Coal & Allied Northern Estates

I refer to the requests made by Coal & Allied Industries Ltd that the Coal & Allied Northern Estates (being Minmi, Newcastle Link Road and Stockrington, and Tank Paddock and Black Hill) are considered as potential State Significant Sites, and declared to be projects for the purposes of Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act).

The Minister has formed the opinion that the Coal & Allied Northern Estates are of State planning significance and therefore are to be considered as potential State Significant Sites (SSSs) under Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP). A map showing the agreed potential SSS areas is attached.

The Minister has also declared developments within the Coal & Allied Northern Estates at Minmi, Newcastle Link Road and Stockrington (MP 10_0090), and Tank Paddock and Black Hill (MP 10_0093) to be subject to Part 3A of the Act, and has authorised the submission of concept plans for the projects. A copy of the Orders made under section 75B(2) of the Act are attached, and are intended to be published in the Government Gazette on 30 July 2010.

You will be required to prepare SSS Studies for the proposed amendments to the Major Development SEPP, and Environmental Assessments for the concept plan applications. The Department is currently preparing SSS Study requirements, and environmental assessment requirements for the concept plans, and will be in contact shortly.

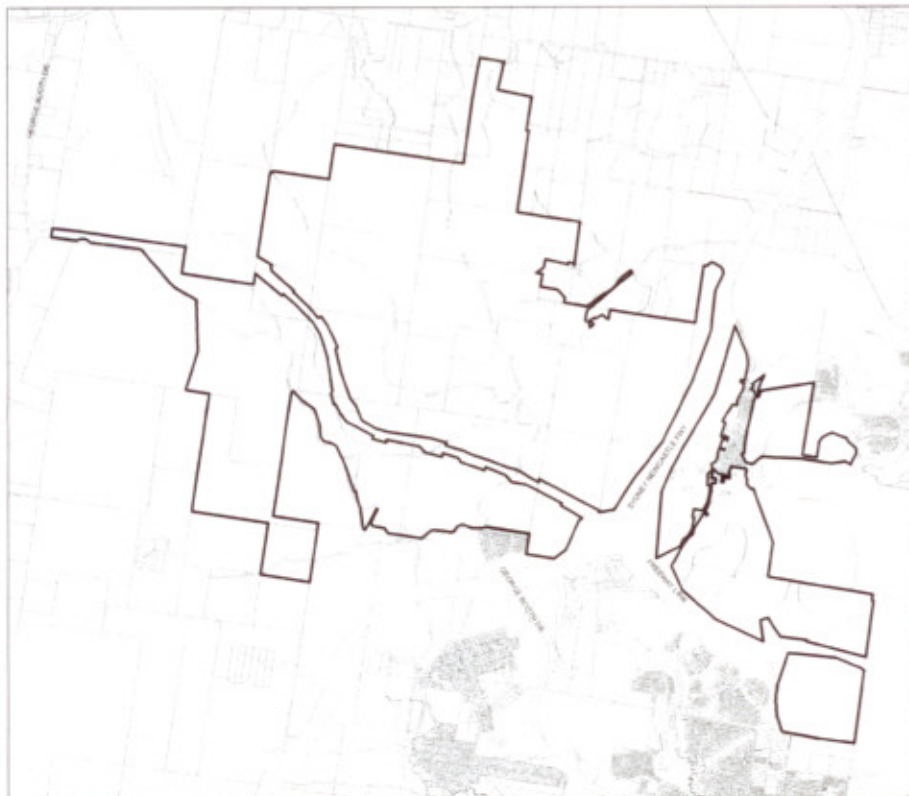
In the interim please contact me should you have any enquiries about this matter.

Yours sincerely

Michael File
Director, Strategic Assessment



Coal & Allied Northern Estates – Black Hill and Tank Paddock
Potential State significant site area



Coal & Allied Northern Estates – Minmi, Newcastle Link Road and Stockrington
Potential State significant site area

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

ORDER

I, the Minister for Planning, in pursuance of section 75B(1) of the *Environmental Planning and Assessment Act 1979*, do, by this my Order declare that the development described in Schedule 1 is a project to which Part 3A of that Act applies.

In my opinion the development described in Schedule 1 is of State or regional environmental planning significance.

Dated, this day ⁰⁷ JUL 2010.



The Hon. Tony Kelly, MLC
Minister for Planning,
Sydney.

SCHEDULE 1

Development on land at Minmi, Newcastle Link Road and Stockrington, for urban and related purposes, and conservation, as described in the Minmi, Link Road and Stockrington Preliminary Environmental Assessment (June 2010) submitted to the Department of Planning on 15 June 2010.

ORDER

I, the Minister for Planning, in pursuance of section 75B(1) of the *Environmental Planning and Assessment Act 1979*, do, by this my Order declare that the development described in Schedule 1 is a project to which Part 3A of that Act applies.

In my opinion the development described in Schedule 1 is of State or regional environmental planning significance.

Dated, this - 7 JUL 2010
day of 2010.



The Hon. Tony Kelly, MLC
Minister for Planning,
Sydney.

SCHEDULE 1

Development on land at Black Hill and Tank Paddock comprising Lot 30 DP 870411 and Lot 1 DP 1007615, within the Newcastle Local Government Area, for Employment Lands and related purposes, and conservation, as described in the Black Hill and Tank Paddock Preliminary Environmental Assessment (June 2010) submitted to the Department of Planning on 15 June 2010.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**ORDER**

I, the Minister for Planning, in pursuance of section 75B(1) of the Environmental Planning and Assessment Act 1979, do, by this my Order declare that the development described in Schedule 1 is a project to which Part 3A of that Act applies.

In my opinion the development described in Schedule 1 is of State or regional environmental planning significance.

Dated, this 7th day of July 2010.

The Hon. TONY KELLY, M.L.C.,
Minister for Planning,
Sydney

SCHEDULE 1

Development on land at Minmi, Newcastle Link Road and Stockrington, for urban and related purposes, and conservation, as described in the Minmi, Link Road and Stockrington Preliminary Environmental Assessment (June 2010) submitted to the Department of Planning on 15 June 2010.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**ORDER**

I, the Minister for Planning, in pursuance of section 75B(1) of the Environmental Planning and Assessment Act 1979, do, by this my Order declare that the development described in Schedule 1 is a project to which Part 3A of that Act applies.

In my opinion the development described in Schedule 1 is of State or regional environmental planning significance.

Dated, this 7th day of July 2010.

The Hon. TONY KELLY, M.L.C.,
Minister for Planning,
Sydney

SCHEDULE 1

Development on land at Black Hill and Tank Paddock comprising Lot 30 DP 870411 and Lot 1 DP 1007615, within the Newcastle Local Government Area, for Employment Lands and related purposes, and conservation, as described in the Black Hill and Tank Paddock Preliminary Environmental Assessment (June 2010) submitted to the Department of Planning on 15 June 2010.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

State Environmental Planning Policy (Major Development) 2005

NOTICE

I, the Minister for Planning, pursuant to clause 8(1A) of State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP), hereby give notice that I have received proposals that Schedule 3 of the Major Development SEPP be amended to add the sites described in Schedule 1 and Schedule 2 of this Notice.

The Hon. TONY KELLY, M.L.C.,
Minister for Planning,

Dated, this 7th day of July 2010.

SCHEDULE 1

The site known as the Black Hill and Tank Paddock site, as generally shown edged heavy black on the map marked Black Hill and Tank Paddock site, Cadastre, within the Newcastle Local Government Area.

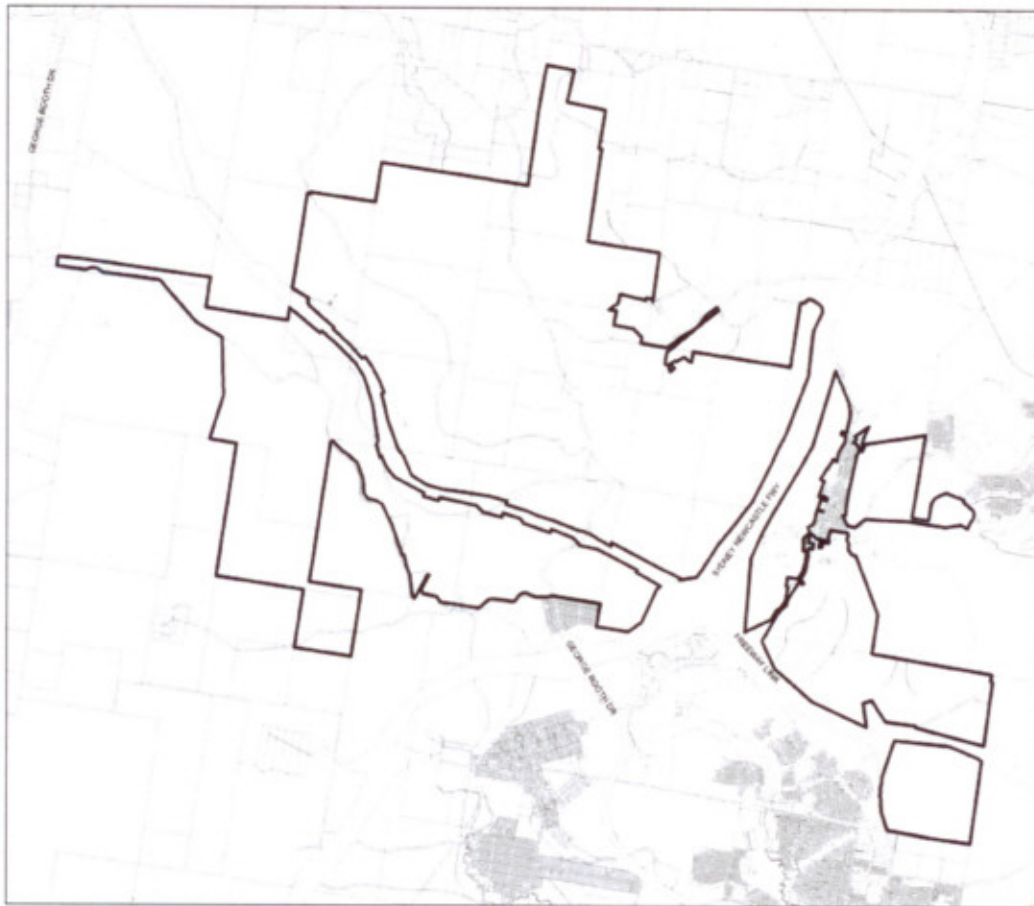
Black Hill and Tank Paddock site, Cadastre



SCHEDULE 2

The site known as the Minmi, Newcastle Link Road and Stockrington site, as generally shown edged heavy black on the map marked Minmi, Newcastle Link Road and Stockrington site, Cadastre, within the Lake Macquarie Local Government Area, Newcastle Local Government Area, and Cessnock Local Government Area.

Minmi, Newcastle Link Road and Stockrington site, Cadastre



Appendix B Proposed Listing in Major Development SEPP – Schedule 3

Proposed Listing in SEPP Major Development – Schedule 3

Minmi/Link Road and Stockrington Estates

Division 1 Preliminary

1. Land to which Part applies

This Part applies to the land identified on the Land Zoning Map to this Part, referred to in this Schedule as the Minmi/Link Road and Stockrington site.

2. Definitions

1. A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the Standard Instrument (Principal Local Environmental Plan) unless it is otherwise defined in this part.
2. In this part **Land Zoning Map** means the map marked “State Environmental Planning Policy (Major Development) 2005 (Amendment No, **XXX**) – Minmi/Link Road and Stockrington – Land Zoning Map.

Division 2 Permitted or prohibited development

3. Zoning of land to which part applies

For the purposes of this Part, land is within the zones shown on the Land Zoning Map.

4. Zone objectives and land use Table

Zone objectives and land use table

(1) The Table at the end of this Division specifies for each zone:

- the objectives for development, and
- development that may be carried out without consent, and
- development that may be carried out only with consent, and
- development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Land Use Table and Objectives

For the purposes of this part, land within the Minmi/Link Road estate is zoned:

- R2 – Low Density Residential Zone
- B2 – Local Centre Zone
- E1 – National Parks and Nature Reserves

Zone R2 Low Density Residential

1 Objectives of Zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that will provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Bushfire protection requirements, earthworks, electricity generating works, environmental protection works, drainage, flood mitigation works, home occupation, public utility undertakings, roads, sewerage system, telecommunication facilities, water supply system.

3 Permitted with consent

Advertisements, advertising structures, attached dwellings; bed and breakfast accommodation, car parking, child care centres; community facilities; dwelling houses; environmental facilities, filming, food and drink premises (not exceeding floor space 200sqm), group homes; health consulting rooms (not exceeding floor space 200sqm), home based child care or family day care homes, home business, home industries, information and education facilities, multi dwelling housing; neighbourhood shops; places of public worship; recreation areas, recreation facilities (outdoor); residential care facilities; schools, seniors housing; semi detached dwellings, signage, takeaway food premises (not exceeding floor space 200sqm)

4 Prohibited

Except as otherwise provided by this Policy, development is prohibited within the R2 Low Density Residential Zone unless it is permitted by subclause (2) and (3).

4. If development for the purposes of a neighbourhood shop is permitted under this Part, the retail floor area must not exceed 200sqm.

Zone B2 Local Centre Zone

1. Objectives of Zone

- To provide a range of retail, business, entertainment, residential and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2. Permitted without consent

Bushfire protection requirements, earthworks, electricity generating works, environmental protection works, drainage, flood mitigation works, home occupation, public utility undertakings, roads, sewerage system, telecommunication facilities, water supply system.

3. Permitted with consent

Advertisements, advertising structures, business premises; car parks, child care centres; community facilities; entertainment facilities; environmental facilities, filming, food and drink premises, function centres; funeral chapels, funeral homes, health consulting rooms, home business, hotel or motel accommodation; information and education facilities; kiosks, markets, medical centres, mixed use development, neighbourhood shops, office premises; passenger transport facilities; places of public worship, public administration buildings, pub, recreation area, recreation facilities (indoor); recreation facilities (outdoor), registered clubs; residential flat buildings, restaurants, retail premises; schools, seniors housing; service stations, shop top housing, signage, take away food and drink premises, tourist and visitor accommodation, veterinary hospitals.

4 Prohibited

Except as otherwise provided by this Policy, development is prohibited within the Local Centre Zone unless it is permitted by subclause (2) and (3).

Zone E1 National Parks and Nature Reserves

1. Objectives of Zone

- To enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act.
- To enable uses authorised under the National Parks and Wildlife Act 1974.
- To identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land.

2. Permitted without consent

- Uses authorised under the *National Parks and Wildlife Act 1974*.

3. Permitted with consent

- Nil.

4. Prohibited

Any development not specified in item 2 or 3

Division 3 Miscellaneous

5. Exempt and Complying Development

Development on land within the Minmi/Link Road estate that satisfies the requirements for exempt development or complying development specified in State Environmental Planning Policy (Exempt and Complying Development) 2008 is exempt development or complying development as per the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

6. Public & Private (e.g. Gas) Utility Undertakings excepted

Development for the purpose of a public and private utility undertaking that is carried out on land within the Minmi/Link Road site does not require development consent.

Note. As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.

7. Subdivision

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size as illustrated in the layout of the Minmi/Link Road Concept Plan Design Guidelines, Drawing A.1.4 in relation to the land concerned,
 - (c) consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,

- (f) excising from a lot land that is, or is intended to be used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Subdivision of any land into a lot less than 280 square metres is permissible only if:

- the land is 2,000 square metres or more and/or the subdivision is integrated with dwelling development.
- in relation to shop top housing lots, it relates to the subdivision of a dwelling from the shop.

8. Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to or in respect of development within the Minmi/Link Road estate are as follows:

(a) in the case of development that is a project to which Part 3A of the Act applies—this Policy and all other State environmental planning policies otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards,

(b) in the case of all other development—all environmental planning instruments otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards, but only to the extent that those instruments are not inconsistent with this Policy.

9. Subsequent Applications

The proposed approvals process for future development is set out below.

Future development	Process	Consent Authority
Residential development and other permissible development in the residential subdivision	Major Development Application (Concept Plan/Project Application) <ul style="list-style-type: none"> ▪ Part 3A if the development meets state significant or development criteria 	<ul style="list-style-type: none"> ▪ Minister for Planning/Planning Assessment Commission
	Local development <ul style="list-style-type: none"> ▪ Part 4 Complying development – if it meets the Complying Development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. 	<ul style="list-style-type: none"> ▪ Accredited Certifier
	Local development <ul style="list-style-type: none"> ▪ Part 4 Development consent – if the development does not meet the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. 	<ul style="list-style-type: none"> ▪ The relevant Council or Joint Regional Planning Panel (or any alternative) depending on threshold.

The Minister of Planning is the consent authority to consider any modifications to the concept plan approval.

For future stages of the project assessed under the provisions of Part 4, the following is to occur:

- Determination of any future development application should be generally consistent with the terms of approval of the Concept Plan and the associated Statement of Commitments.
- The future stages of the project are not to be considered as integrated development.

10. Land acquisitions within certain zones

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land within Minmi/Link Road and Stockrington, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

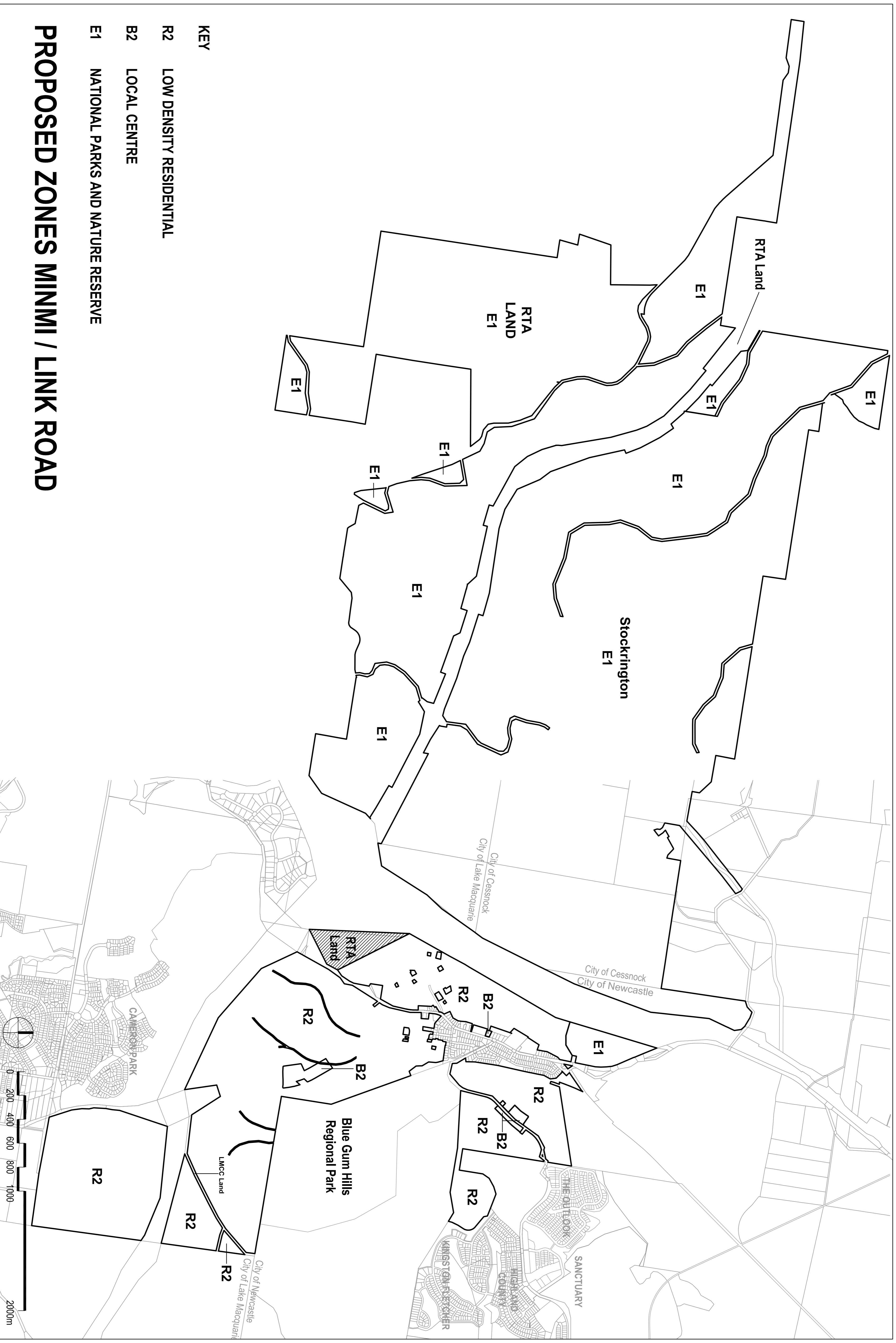
Type of land shown on Map	Authority of the State
Public open space or recreational areas, including riparian corridors within Zone R2 Low Density Residential and B2 Local Centre	To be in accordance with the land ownership map
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <u>National Parks and Wildlife Act 1974</u>
Local Roads within Zone R2 Low Density Residential and B2 Local Centre	The relevant council

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note. If land, other than the land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, this clause is required to be amended to designate the acquiring authority for that land (see section 27 of the Act). The Minister of Planning is required to take action to enable the designation of the acquiring authority of that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition Just Terms Compensation Act 1991).

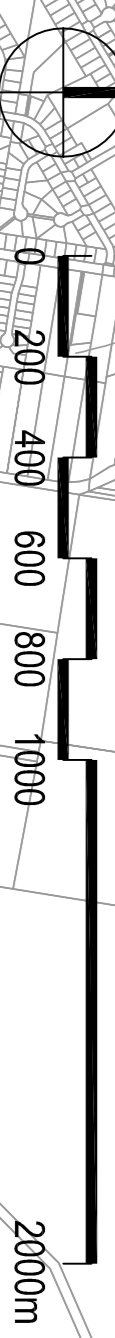
11. Definitions

The dictionary in the Standard Instrument (Principal Local Environmental Plan) defines words and expressions for the purpose of controls affecting the land covered by the concept plan.



- KEY**
- R2** LOW DENSITY RESIDENTIAL
 - B2** LOCAL CENTRE
 - E1** NATIONAL PARKS AND NATURE RESERVE

PROPOSED ZONES MINMI / LINK ROAD



Sydney

Level 21, 321 Kent Street
Sydney, NSW 2000
Tel: +612 8233 9900
Fax: +612 8233 9966

Brisbane

Level 12, 120 Edward Street
Brisbane, QLD 4000
Tel: +617 3007 3800
Fax: +617 3007 3811

Melbourne

Level 12, 120 Collins Street
Melbourne, VIC 3000
Tel: +613 8663 4888
Fax: +613 8663 4999

Perth

Level 1, 55 St Georges Terrace
Perth WA 6000
Tel: +618 9346 0500
Fax: +618 9221 1779

Australia • Asia • Middle East
www.urbis.com.au
info@urbis.com.au